

Message

From: Scott, Corey [scott.corey@epa.gov]
Sent: 7/1/2020 9:34:45 PM
To: Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]
CC: Molina, Michael [molina.michael@epa.gov]; Coxen, Carrie [coxen.carrie@epa.gov]; Dickerson, Aaron [dickerson.aaron@epa.gov]; Hyman, Alana [Hyman.Alana@epa.gov]
Subject: Materials for 7/2/2020
Attachments: AW Briefing_CSAPR Update Remand_Early Guidance_07.02.20.docx; 1100 OP_Checkin Agenda Draft.docx; 1100 OP_Checkin Attachment A EO 13891 Guidance Portal Numbers Update.docx; 1100 OP_Checkin Attachment B EO 13927 - EPA Response 7.01.20 v(5).docx; 1100 OP_Checkin Attachment C Tracking 13 Priority Rules.xlsx; EtO Status Report_July 1 2020.docx; Sotera Bios.docx; American Petroleum Institute 07.02.20 FINAL (TM).docx; Barsa Tps - 7.2.docx; ML Framework Forward - 7.2.docx; 2020.06.30 RFS weekly update.docx

Doug and Mandy,

Here are the materials for tomorrow, 7/2/2020:

1. Briefing: CSAPR
2. Check-in with OP
3. Call with Sterigenics
4. Call with API
5. Call with USAID
6. RFS Weekly Update from Anne Idsal

This article goes along with the OITA materials for the USAID call:

<https://www.prnewswire.com/news-releases/the-alliance-to-end-plastic-waste-and-usaid-partner-to-address-global-ocean-plastics-pollution-301073912.html#:~:text=The%20Alliance%20to%20End%20Plastic%20Waste%20is%20an%20international%20not,plastic%20waste%20in%20the%20environment>

Thanks,

Corey

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM ABP	NPRM Options Selection	NPRM FAR	NPRM to OMB	NPRM Signature	NPRM FR Publication	Comment Period End	Final Early Guidance	Final ABP	Final Options Selection	Final FAR	Final to OMB	Final Signature	Final FR Publication	Comments	OP Notes	Fall 2017 Reg Agenda NPRM	Fall 2017 Reg Agenda Final	PRAD
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target Actual or Current Planned																				
No		EGU GHG NSPS	OAR	5548.6	2	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target Actual or Current Planned																				
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units	Target Actual or Current Planned																				
No		NO2 NAAQS	OAR	5622	2	Review of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen	Target Actual or Current Planned																				
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target Actual or Current Planned																				
No		SO2 NAAQS	OAR	5747	1	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides	Target Actual or Current Planned																				
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target Actual or Current Planned																				
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule	Target Actual or Current Planned																				
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target Actual or Current Planned																				
No		Cement RTR	OAR	5890	2	National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry Residual Risk and Technology Review	Target Actual or Current Planned																				
No		Mid-term Evaluation	OAR	5899.1	2	Reconsideration of Final Determination: Mid Term Evaluation of Greenhouse Gas Emissions Standards for Model Year 2022-2025 Light Duty Vehicles	Target Actual or Current Planned																				
No		Turbine RTR	OAR	5909	2	Stationary Combustion Turbine RTR	Target Actual or Current Planned																				
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target Actual or Current Planned																				
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target Actual or Current Planned																				
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target Actual or Current Planned																				

Ex. 5 Deliberative Process (DP)

No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review;*	Target
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Actual or Current Planned
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Actual or Current Planned
No		HCI RTR	OAR	6267	2	National Emission Standards for Hazardous Air Pollutants for Hydrochloric Acid Production Residual Risk and Technology Review	Target
Yes		CPP Replace	OAR	6346	1	State Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units	Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Netting	Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020Commencement: -	Actual or Current Planned

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Yes		Pesticide Age Requirements	OCSP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
No		CBI	OEI	5757	2	Revisions to 40 CFR Part 2, Subpart b (Confidentiality of Business Information)	Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
Yes		CCR Remand	OLEM	5939	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1)	Actual or Current Planned
Yes		HSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process (ANPRM*)	Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Actual or Current Planned
No		UNDS Armed Forces II	OW	5772	2	Uniform National Discharge Standards for Vessels of the Armed Forces--Phase II--Batch Two (UNDS)*	Target
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned

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No		LDAR	OAR	5364	2	No indication of current milestone or completed milestones (on-schedule)	Target																			
No		EGU GHG NSPS	OAR	5548.6	2	No indication of current milestone or completed milestones (some delayed milestones)	Target																			
Yes		CPP Repeal	OAR	5548.7	1	No indication of current milestone or completed milestones (some delayed milestones and no color if no dates)	Target																			
No		NO2 NAAQS	OAR	5622	2	Completed milestones cross-hatched (on-schedule)	Target																			
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Completed milestones bold and larger font (on-schedule)	Target																			
No		SO2 NAAQS	OAR	5747	1	Completed milestones cross-hatched (some delayed milestones)	Target																			
No		Aircraft GHG	OAR	5773.1	2	Completed milestones bold and dots and no color for uncompleted milestones (some delayed milestones)	Target																			
No		REGS	OAR	5845	2	Only late milestones are colored (some delayed milestones)	Target																			
No		Ozone SIP	OAR	5870	2	Next milestone indicated in purple (on-schedule)	Target																			
No		Cement RTR	OAR	5890	2	Next milestone indicated in purple outline (some delays)	Target																			
No		Mid-term Evaluation	OAR	5899.1	2	Next milestone in purple outline and no color if no milestone date (on-schedule)	Target																			
No		Turbine RTR	OAR	5909	2		Target																			
No		Engine RTR	OAR	5911	2		Target																			
No		Ethylene RTR	OAR	5914	2		Target																			
No		II&S RTR	OAR	5919	2		Target																			

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No		Reinforced Plastics & Boat RTR	OAR	5930	2		Target
No		Tire RTR	OAR	5949	2		Actual or Current Planned
No		Fuels Modernization	OAR	5983	2		Target
No		Asphalt RTR	OAR	5988	2		Actual or Current Planned
No		HCI RTR	OAR	6267	2		Target
Yes		CPP Replace	OAR	6346	1		Actual or Current Planned
No		Gliders	OAR	6459	1		Target
No		Misc Chem & Coating	OAR	6494	2		Actual or Current Planned
No		OLD RTR	OAR	6503	2		Target
No		NSR Netting	OAR	6598	2		Actual or Current Planned
No		O&G NSPS	OAR	6616	1		Target
No		RFS	OAR	6642	1		Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSPP	5007.1	2		Target Actual or Current Planned
No		Lead dust	OCSPP	5488	1		Target Actual or Current Planned
Yes		WPS	OCSPP	6331	2		Target Actual or Current Planned
No		CBI	OEI	5757	2		Target Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3		Target Actual or Current Planned
Yes		CCR Remand	OLEM	5939	3		Target Actual or Current Planned
Yes		HSSP	OLEM	5957	2		Target Actual or Current Planned
1		Cost consistency	OP	6530	2		Target Actual or Current Planned
Yes		Lead & Copper	OW	5423	1		Target Actual or Current Planned
No		Perchlorate	OW	5555	1		Target Actual or Current Planned
No		UNDS Armed Forces II	OW	5772	2		Target Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1		Target Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1		Target Actual or Current Planned

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Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units	Target Actual or Current Planned																			
No		NO2 NAAQS	OAR	5622	2	Review of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen	Target Actual or Current Planned																			
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target Actual or Current Planned																			
No		SO2 NAAQS	OAR	5747	1	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides	Target Actual or Current Planned																			
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target Actual or Current Planned																			
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule	Target Actual or Current Planned																			
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target Actual or Current Planned																			
No		Cement RTR	OAR	5890	2	National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry Residual Risk and Technology Review	Target Actual or Current Planned																			
No		Mid-term Evaluation	OAR	5899.1	2	Reconsideration of Final Determination: Mid Term Evaluation of Greenhouse Gas Emissions Standards for Model Year 2022-2025 Light Duty Vehicles	Target Actual or Current Planned																			
No		Turbine RTR	OAR	5909	2	Stationary Combustion Turbine RTR	Target Actual or Current Planned																			
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target Actual or Current Planned																			
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target Actual or Current Planned																			
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No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Actual or Current Planned
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Actual or Current Planned
No		HCl RTR	OAR	6267	2	National Emission Standards for Hazardous Air Pollutants for Hydrochloric Acid Production Residual Risk and Technology Review	Target
Yes		CPP Replace	OAR	6346	1	State Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units	Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Netting	Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020Commencement: -	Actual or Current Planned

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Yes		Pesticide Age Requirements	OCSPP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target Actual or Current Planned
No		Lead dust	OCSPP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target Actual or Current Planned
Yes		WPS	OCSPP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target Actual or Current Planned
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Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target Actual or Current Planned
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Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units	Target															
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target															
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides	Target															
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target															
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule	Target															
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target															
No		Cement RTR	OAR	5890	2	National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry Residual Risk and Technology Review	Target															
No		Turbine RTR	OAR	5909	2	Stationary Combustion Turbine RTR	Target															
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target															
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target															
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target															

Ex. 5 Deliberative Process (DP)

No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Actual or Current Planned
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Actual or Current Planned
No		HCl RTR	OAR	6267	2	National Emission Standards for Hazardous Air Pollutants for Hydrochloric Acid Production Residual Risk and Technology Review	Target
Yes		CPP Replace	OAR	6346	1	State Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units	Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020Commencement: -	Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target Actual or Current Planned
No		CBI	OGC	5757	2	Revisions to 40 CFR Part 2, Subpart b (Confidentiality of Business Information)	Target Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target Actual or Current Planned
Yes		CCR Remand	OLEM	5939	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1)	Target Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process (ANPRM*)	Target Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	Fall 2017 Reg Agenda NPRM	Fall 2017 Reg Agenda Final	PRAD
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target															
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target															
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units	Target															
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target															
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides	Target															
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target															
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule	Target															
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target															
No		Turbine RTR	OAR	5909	2	Stationary Combustion Turbine RTR	Target															
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target															
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target															
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target															
No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target															

Ex. 5 Deliberative Process (DP)

No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Target
							Actual or Current Planned
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
							Actual or Current Planned
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Target
							Actual or Current Planned
Yes		CPP Replace	OAR	6346	1	State Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units	Target
							Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
							Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020Commencement: -	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	Rulemaking to Establish Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSPP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSPP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
Yes		WPS	OCSPP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements; Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1)	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process (ANPRM*)	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	Fall 2017 Reg Agenda NPRM	Fall 2017 Reg Agenda Final	PRAD
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target															
							Actual or Current Planned															
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target															
							Actual or Current Planned															
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units	Target															
							Actual or Current Planned															
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target															
							Actual or Current Planned															
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides	Target															
							Actual or Current Planned															
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target															
							Actual or Current Planned															
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule	Target															
							Actual or Current Planned															
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target															
							Actual or Current Planned															
No		Turbine RTR	OAR	5909	2	Stationary Combustion Turbine RTR	Target															
							Actual or Current Planned															
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target															
							Actual or Current Planned															
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target															
							Actual or Current Planned															
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target															
							Actual or Current Planned															
No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target															
							Actual or Current Planned															

Ex. 5 Deliberative Process (DP)

No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Target
							Actual or Current Planned
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
							Actual or Current Planned
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Target
							Actual or Current Planned
Yes		CPP Replace	OAR	6346	1	State Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units	Target
							Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
							Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020Commencement: -	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	The Safer and Affordable Fuel Efficient (SAFE) Vehicles Rule, MY2021-2026	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements; Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1)	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process (ANPRM*)	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	Fall 2017 Reg Agenda NPRM	Fall 2017 Reg Agenda Final	PRAD
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target															
							Actual or Current Planned															
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target															
							Actual or Current Planned															
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units	Target															
							Actual or Current Planned															
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target															
							Actual or Current Planned															
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides	Target															
							Actual or Current Planned															
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target															
							Actual or Current Planned															
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule	Target															
							Actual or Current Planned															
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target															
							Actual or Current Planned															
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands Residual Risk and Technology Review	Target															
							Actual or Current Planned															
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target															
							Actual or Current Planned															
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target															
							Actual or Current Planned															
No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target															
							Actual or Current Planned															
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Target															
							Actual or Current Planned															

Ex. 5 Deliberative Process (DP)

No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
							Actual or Current Planned
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Target
							Actual or Current Planned
Yes		CPP Replace	OAR	6346	1	State Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units	Target
							Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
							Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020 Commencement	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements; Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939.2	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1, Part	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process (ANPRM*)	Target
							Actual or Current Planned
			ORD	6781	1	Strengthening Transparency in Regulatory Science	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	PRAD
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target													
							Actual or Current Planned													
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target													
							Actual or Current Planned													
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (CPP Repeal)	Target													
							Actual or Current Planned													
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target													
							Actual or Current Planned													
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides (SO2 NAAQS)	Target													
							Actual or Current Planned													
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target													
							Actual or Current Planned													
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule (REGS)	Target													
							Actual or Current Planned													
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target													
							Actual or Current Planned													
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target													
							Actual or Current Planned													
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target													
							Actual or Current Planned													
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target													
							Actual or Current Planned													
No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target													
							Actual or Current Planned													
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Target													
							Actual or Current Planned													

Ex. 5 Deliberative Process (DP)

No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
							Actual or Current Planned
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Target
							Actual or Current Planned
Yes		CPP Replace	OAR	6346	1	Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units (Affordable Clean Energy rule)	Target
							Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
							Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews (MON)	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020 Commencement	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939.2	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1, Part 2)	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process	Target
							Actual or Current Planned
			ORD	6781	1	Strengthening Transparency in Regulatory Science	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	PRAD
			OAR	4908	2	NESHAP Amendment: General Provisions for Once In Always In	Target													
			OAR	4908	2	NESHAP Amendment: General Provisions for Once In Always In	Actual or Current Planned													
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target													
			OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Actual or Current Planned													
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target													
			OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Actual or Current Planned													
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (CPP Repeal)	Target													
			OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (CPP Repeal)	Actual or Current Planned													
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target													
			OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Actual or Current Planned													
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides (SO2 NAAQS)	Target													
			OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides (SO2 NAAQS)	Actual or Current Planned													
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target													
			OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Actual or Current Planned													
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule (REGS)	Target													
			OAR	5845	2	Renewables Enhancement and Growth Support Rule (REGS)	Actual or Current Planned													
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target													
			OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Actual or Current Planned													
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target													
			OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Actual or Current Planned													
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target													
			OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Actual or Current Planned													
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target													
			OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Actual or Current Planned													
No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target													
			OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Actual or Current Planned													
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Target													
			OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Actual or Current Planned													

Ex. 5 Deliberative Process (DP)

No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
							Actual or Current Planned
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Target
							Actual or Current Planned
Yes		CPP Replace	OAR	6346	1	Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units (Affordable Clean Energy rule)	Target
							Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
							Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews (MON)	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020 Commencement	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939.2	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1, Part 2)	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process	Target
							Actual or Current Planned
			ORD	6781	1	Strengthening Transparency in Regulatory Science	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category - Reconsideration	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments
			OAR	4908	2	NESHAP Amendment: General Provisions for Once In Always In	Target												
							Actual or Current Planned												
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target												
							Actual or Current Planned												
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target												
							Actual or Current Planned												
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (CPP Repeal)	Target												
							Actual or Current Planned												
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target												
							Actual or Current Planned												
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides (SO2 NAAQS)	Target												
							Actual or Current Planned												
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target												
							Actual or Current Planned												
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule (REGS)	Target												
							Actual or Current Planned												
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target												
							Actual or Current Planned												
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target												
							Actual or Current Planned												
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target												
							Actual or Current Planned												
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target												
							Actual or Current Planned												
No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target												
							Actual or Current Planned												
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Target												
							Actual or Current Planned												

Ex. 5 Deliberative Process (DP)

No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
							Actual or Current Planned
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Target
							Actual or Current Planned
Yes		CPP Replace	OAR	6346	1	Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units (Affordable Clean Energy rule)	Target
							Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
							Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews (MON)	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020 Commencement	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSPP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSPP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
Yes		WPS	OCSPP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939.2	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities; Amendments to the National Minimum Criteria (Phase 1, Part	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process	Target
							Actual or Current Planned
			ORD	6781	1	Strengthening Transparency in Regulatory Science	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category - Reconsideration	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Title	Status
			OAR	4908	2	Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act (Once In, Always In)	Target
							Actual or Current Planned
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target
							Actual or Current Planned
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (CPP Repeal)	Target
							Actual or Current Planned
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target
							Actual or Current Planned
No		SO2 NAAQS	OAR	5747	2	Review of the Primary SO2 NAAQS	Target
							Actual or Current Planned
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target
							Actual or Current Planned
No		Engine RTR	OAR	5911	2	Engine Test Cells/Standards RTR	Target
							Actual or Current Planned
No		Ethylene RTR	OAR	5914	2	Ethylene Production RTR	Target
							Actual or Current Planned
No		II&S RTR	OAR	5919	2	Integrated Iron and Steel Manufacturing Facilities RTR	Target
							Actual or Current Planned
			OAR	5925	2	Taconite Iron Ore Processing RTR	Target
							Actual or Current Planned
No		Reinforced Plastics & Boat RTR	OAR	5930	2	Reinforced Plastics Composites and Boat Manufacturing RTR	Target
							Actual or Current Planned
			OAR	5948	2	Lime Manufacturing RTR	Target
			OAR	5962	2	Iron and Steel Foundries RTR	Actual or Current Planned
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

No		Asphalt RTR	OAR	5988	2	Asphalt Processing and Asphalt Roofing Manufacturing RTR	Target
							Actual or Current Planned
Yes		CPP Replace	OAR	6346	1	Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units (Affordable Clean Energy rule)	Target
							Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing (MON) RTR	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020 Commencement	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks	Target
							Actual or Current Planned
			OAR	6838	2	MSW Landfills RTR	Target
							Actual or Current Planned
			OAR	6839	2	MSW Landfills Reconsideration	Target
							Actual or Current Planned
			OAR	6884	2	Renewable Fuel Standard Program Modification of Applicable Volumes (Reset)	Target
							Actual or Current Planned
			OAR	6928	2	Site Remediation RTR	Target
							Actual or Current Planned
			OAR	6934	2	Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSP	5007.1	2	Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
			OCSP	5830	1	Methylene Chloride	Target
							Actual or Current Planned
			OCSP	6015	2	Regulation of Persistent, Biocumulative, and Toxic Chemicals under TSCA 6(h)	Target
							Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
			OLEM	5350.2	1	Financial Responsibility Requirements under CERCLA Section 108(b) for the Additional Classes	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
			OLEM	5939.1	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues from Electric Utilities: Amendments to the National Minimum Criteria (Phase 2)	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939.2	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1, Part 2)	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category - Reconsideration	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned
			OW	6682	2	Clean Water Act 404 Assumption Update Regulation	Target
							Actual or Current Planned
			OW	6694	2	Peak Flows Management	Target
							Actual or Current Planned
			OW	6948	2	Clean Water Act Section 404(c) Regulatory Revision	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	PRAD
			OAR	4908	2	Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act (Once In, Always In)	Target													
							Actual or Current Planned													
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target													
							Actual or Current Planned													
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (CPP Repeal)	Target													
							Actual or Current Planned													
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target													
							Actual or Current Planned													
No		SO2 NAAQS	OAR	5747	2	Review of the Primary SO2 NAAQS	Target													
							Actual or Current Planned													
No		Ethylene RTR	OAR	5914	2	Ethylene Production RTR	Target													
							Actual or Current Planned													
No		II&S RTR	OAR	5919	2	Integrated Iron and Steel Manufacturing Facilities RTR	Target													
							Actual or Current Planned													
			OAR	5925	2	Taconite Iron Ore Processing RTR	Target													
							Actual or Current Planned													
No		Reinforced Plastics & Boat RTR	OAR	5930	2	Reinforced Plastics Composites and Boat Manufacturing RTR	Target													
							Actual or Current Planned													
			OAR	5948	2	Lime Manufacturing RTR	Target													
			OAR	5962	2	Iron and Steel Foundries RTR	Actual or Current Planned													
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target													
							Actual or Current Planned													
No		Asphalt RTR	OAR	5988	2	Asphalt Processing and Asphalt Roofing Manufacturing RTR	Target													
							Actual or Current Planned													
Yes		CPP Replace	OAR	6346	1	Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units (Affordable Clean Energy rule)	Target													
							Actual or Current Planned													

Ex. 5 Deliberative Process (DP)

No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing (MON) RTR	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks	Target
							Actual or Current Planned
			OAR	6838	2	MSW Landfills RTR	Target
							Actual or Current Planned
			OAR	6839	2	MSW Landfills Reconsideration	Target
							Actual or Current Planned
			OAR	6884	2	Renewable Fuel Standard Program Modification of Applicable Volumes (Reset)	Target
							Actual or Current Planned
			OAR	6928	2	Site Remediation RTR	Target
							Actual or Current Planned
			OAR	6934	2	Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Target
							Actual or Current Planned
Yes		Pesticide Age Requirements	OCSP	5007.1	2	Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
			OCSP	5830	1	Methylene Chloride	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

			OCSP	6015	2	Regulation of Persistent, Biocumulative, and Toxic (PBT) Chemicals under TSCA 6(h)	Target
							Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
			OLEM	5350.2	2	Financial Responsibility Requirements under CERCLA Section 108(b) for the Additional Classes	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
			OLEM	5939.1	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues from Electric Utilities: Amendments to the National Minimum Criteria (Phase 2)	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939.2	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1, Part 2)	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category - Reconsideration	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned
			OW	6682	2	Clean Water Act 404 Assumption Update Regulation	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

OW	6694	2	Peak Flows Management	Target
				Actual or Current Planned
OW	6948	2	Clean Water Act Section 404(c) Regulatory Revision	Target
				Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Schedule Tracking for 13 Priority Actions
(*Dates pulled on 4-2-20)

]

Office	Title	Status	NPRM Early Guidance	NPRM Option Selectio n	NPRM FAR	NPRM to OMB	NPRM Signatur e	Final Early Guidance	Final Option Selecti on	Final FAR	Final to OMB	Final Signatur e	Comments
OAR	Cleaner Trucks Initiative	Target	<div>Ex. 5 Deliberative Process (DP)</div>										
		Actual or Current Planned											
OAR	Increasing Consistency and Transparency in Considering Benefits and Costs in the Clean Air Act Rulemaking Process	Target											
		Actual or Current Planned											
OAR	PM NAAQS Review	Target											
		Actual or Current Planned											
OAR	Ozone NAAQS Review	Target											
		Actual or Current Planned											
OAR	Oil and Gas NSPS Review ("Policy Package")	Target											
		Actual or Current Planned											
OCSP	Review of Dust Lead Clearance Levels	Target											
		Actual or Current Planned											
OCSP	Updates to PIPs Exemptions	Target											
		Actual or Current Planned											
OLEM	CCR Litigation Response Part B - Alternative Demonstration for Unlined Surface Impoundments & Request for Comment on Legacy	Target											
		Actual or Current Planned											
OLEM	CCR Litigation Response Part A - Revision of "Cease Receipt of Waste" Deadline for CCR Surface Impoundments	Target											
		Actual or Current Planned											
OW	Steam Electric ELG Reconsideration	Target											
		Actual or Current Planned											
OW	Lead and Copper NPDWR - Long Term Revisions	Target											
		Actual or Current Planned											
OP	Procedures for Issuing Guidance Documents	Target											
		Actual or Current Planned											
ORD	Strengthening Transparency in Regulatory Science	Target											
		Actual or Current Planned											

Color Key	
Completed Milestones Color Key	
On or before target date	
Within 1 month of target date	
1 month to 3 months after target date	
3 months or more after target date	
Outstanding Milestones Color Key	
Late but within 1 month of target date	
Late by 1 month to 3 months after target date	
Late by 3 months or more after target date	

Abbreviations
N/A No dates in ADP Tracker yet or specific milestone does not apply to Tier 3 rule.

Color Key:	
	On or before target date
	Within 1 month of target date
	1 month to 3 months after target date
	3 months or more after target date
Bold with Dots	Next upcoming milestone
	Please review and address comment.

Criteria for Inclusion on List of Priority Actions:

Ex. 5 Deliberative Process (DP)

Statistics for:	July 2018 Report
-----------------	------------------

Office	# Actions with upcoming milestone more than 30 days behind schedule	Total # Actions	Comments
OAR	23	25	
OCSPP	2	3	
OLEM	0	3	
OP	0	1	
ORD	0	1	
OW	2	5	*Missing milestone target dates for 3 of 5 actions.
Total	27	38	

Abbreviations:	
[Blank]	No dates in ADP Tracker.
[9999]	Placeholder in ADP Tracker.
FR	Dates except for signature not shown for final rule milestone until comment period has ended.
Waived	Milestone officially waived.
N/A	Milestone does not apply (Tier 3 or not a regulation).
NS	Non-significant (no OMB review). NS? indicates that OMB has not yet made the determination.
[late]	Milestone date has passed but ADP Tracker has not been updated with new schedule or actual completed date.
Moot	Milestone overtaken by events and did not occur.

Preliminary Actions to add to list after Fall 2018 Agenda published

OAR 5925	Taconite Iron Ore Processing RTR (subpart RRRRR)
OAR 5948	Lime Manufacturing RTR (subpart AAAAA)
OAR 5962	Iron and Steel Foundries RTR (subpart EEEEE)
OAR 6838	MSW Landfills RTR
OAR 6839	MSW Landfills Reconsideration
OAR 6884	Renewable Fuel Standard Program Modification of Applicable Volumes
OAR 6928	Site Remediation RTR
OAR 6934	Miscellaneous Coating Manufacturing RTR
OCSPP 5830	Methylene Chloride
OCSPP 6015	Regulation of Persistent, Bioaccumulative, and Toxic Chemicals under TSCA 6(h)
OLEM 5350.2	Financial Responsibility Requirements under CERCLA Section 108(b) for the Additional Classes
OW 6682	Clean Water Act 404 Assumption Update Regulation
OW 6694	Peak Flows Management
OW 6948	Clean Water Act 404(c)

From: Hyman, Alana [Hyman.Alana@epa.gov]
Sent: 6/26/2020 8:53:04 PM
Subject: Calendar for Administrator Wheeler: Monday, June 29, 2020

**Calendar for Administrator Wheeler
Monday, June 29, 2020**



Ex. 5 Deliberative Process (DP)

Alana Hyman

Executive Assistant/Scheduler to the Administrator

Office of the Administrator

U.S. Environmental Protection Agency

Message

From: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Sent: 5/15/2020 10:03:28 PM
To: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
CC: Frye, Tony (Robert) [frye.robert@epa.gov]; Voyles, Travis [Voyles.Travis@epa.gov]; Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Willey, Katharine [willey.katharine@epa.gov]; Scott, Corey [scott.corey@epa.gov]
Subject: Updated Fact Sheets
Attachments: 2020.05.15 - Supplemental- Budget Hearing Table of Contents.docx; OCSPP-1 - TSCA Existing Chemicals_05.12.20 v2.docx; OCSPP-2 - TSCA New Chemicals_updated 5.15.20.docx; OCSPP-3 - PFAS TSCA TRI_05.15.20.docx; OCSPP-23 - TCE MC NMP.WPT_04-30-20 bf.docx; OLEM-2 PFOA PFOS Hazardous Substance Listing 2.21 V2.docx; OLEM-5 SF remedial construction projects May 15.docx; OLEM-18 Superfund Redevelopment 2.21 FINAL.docx; OLEM-29 COVID 19 Cleanup Memo May 15.docx; OMS-13 COVID-19 Telework - 4-27-2020.docx; OW-9 perchlorate-02-12-2020_OGCredits.docx; OW-44 - COVID-05-15-20-to-ocir_TV.docx

Sir,

Attached are an updated table of contents and updated fact sheets from OCSPP, OLEM, OMS, and OW.

Thanks,
Joe

Joseph A. Brazauskas Jr.

Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
(202) 564-5189

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Senator Roger Wicker	EPWREP-9
Senator Richard Shelby.....	EPWREP-10
Senator Joni Ernst	EPWREP-11

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Senator Sheldon Whitehouse	EPWDEM-4
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Senator Tammy Duckworth.....	EPWDEM-9
Senator Chris Van Hollen	EPWDEM-10

Message

From: Dickerson, Aaron [dickerson.aaron@epa.gov]
Sent: 8/9/2020 6:15:08 PM
Subject: Calendar for Administrator Wheeler: Monday, August 10, 2020

**Calendar for Administrator Wheeler
Monday, August 10, 2020**



Ex. 5 Deliberative Process (DP)

Message

From: Murray, William [Murray.William@epa.gov]
Sent: 7/31/2020 7:44:10 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]; Molina, Michael [molina.michael@epa.gov]
Subject: AAW 1st draft speech EPA: The Next 50 Years
Attachments: An EPA for the Next 50 Years.docx

Doug, Michael,

Attached is the first of many drafts of AAW's Nixon Library speech.

Take a look and make any comments you wish in the margins.

Doug, thank you for your work on the speech you gave me.

I used the best portions and help guide the tone.

I assume there will be many changes, but we have to start somewhere and there is a second big speech to write.

Thanks and have a good weekend.

Bill.

**EPA Administrator Andrew Wheeler
Nixon Library Speech
EPA For the Next 50 Years:
Helping Communities Get Stronger
Or
Better Environmental Outcomes For America
Sept. 3, 2020**

Ex. 5 Deliberative Process (DP)

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Ex. 5 Deliberative Process (DP)

Message

From: Frye, Tony (Robert) [frye.robert@epa.gov]
Sent: 5/14/2020 9:51:43 PM
To: Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Hanson, Paige (Catherine) [hanson.catherine@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Dankert, Charles M. (Charlie) [Dankert.Charles@epa.gov]; Bloom, David [Bloom.David@epa.gov]; Willey, Katharine [willey.katharine@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Harlow, David [harlow.david@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Moor, Karl [Moor.Karl@epa.gov]; Cory, Preston [Cory.Preston@epa.gov]; Raymond, Kelley [Raymond.Kelley@epa.gov]; Tardif, Abigale (Abbie) [Tardif.Abigale@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Tran, Victoria [tran.victoria@epa.gov]; Irving, John [Irving.John@epa.gov]; Coxen, Carrie [coxen.carrie@epa.gov]; Dunlap, David [dunlap.david@epa.gov]; Fitzmorris, Amanda [fitzmorris.amanda@epa.gov]; Jones, Lindsey [jones.lindsey@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Wildeman, Anna [wildeman.anna@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Yarbrough, John (Daniel) [Yarbrough.Daniel@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Cody, Meredith [cody.meredith@epa.gov]
CC: Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Voyles, Travis [Voyles.Travis@epa.gov]; Edwards, John (Holt) [edwards.john@epa.gov]
Subject: RE: SEPW Briefing Binder
Attachments: OAR-45 PM NAAQS updated.docx; OECA-17 -Temp COVID19 Enforcement Policy UPDATED 5-14 v2.docx; OECA-19.2 Enforcement Activities During COVID Fact Sheet UPDATED 5-14.docx; OW-1 lcr_04-29-20-dr - OGC.docx; OW-8 401_cert_04-29-20-dr - OGC.docx; OW-16 col_river_tmdl_05-12-20 - OGC.docx; OW-17 glri_04-29-20-dr - OGC.docx; R2-14 Norlite PFAS NY-May 14 CLEAN with R2 edit.docx; 2020.05.12 - Supplemental- Budget Hearing Table of Contents.docx

Hello All – Attached, please find edits incorporated into Administrator's binder today. Tomorrow, I will send around updates to any documents that came out of this afternoon's sessions. Let me know if you have any questions.

Thanks,
Tony

Tony Frye
Director of Senate Affairs
Office of Congressional Affairs
Environmental Protection Agency
Cell: 202.603.3225

From: Frye, Tony (Robert)
Sent: Wednesday, May 13, 2020 3:50 PM
To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; 'Michael Molina (molina.michael@epa.gov)' <molina.michael@epa.gov>; Hanson, Paige (Catherine) <hanson.catherine@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Dankert, Charles M. (Charlie) <Dankert.Charles@epa.gov>; Bloom, David <Bloom.David@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Moor, Karl <Moor.Karl@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Raymond, Kelley <Raymond.Kelley@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Fischer, David <Fischer.David@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Irving, John <Irving.John@epa.gov>; Coxen, Carrie <coxen.carrie@epa.gov>; Dunlap, David <dunlap.david@epa.gov>; Fitzmorris, Amanda <fitzmorris.amanda@epa.gov>; Jones, Lindsey <jones.lindsey@epa.gov>; Vizian, Donna <Vizian.Donna@epa.gov>;

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Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Edwards, John (Holt) <edwards.john@epa.gov>

Subject: RE: SEPW Briefing Binder

2 of 2 – PLEASE LIMIT DISTRIBUTION AS APPROPRIATE

Full binder attached.

Tony Frye

Director of Senate Affairs
Office of Congressional Affairs
Environmental Protection Agency
Cell: 202.603.3225

From: Frye, Tony (Robert)

Sent: Wednesday, May 13, 2020 3:47 PM

To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Michael Molina (molina.michael@epa.gov) <molina.michael@epa.gov>; Hanson, Paige (Catherine) <hanson.catherine@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Dankert, Charles M. (Charlie) <Dankert.Charles@epa.gov>; Bloom, David <Bloom.David@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Moor, Karl <Moor.Karl@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Raymond, Kelley <Raymond.Kelley@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Fischer, David <Fischer.David@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Irving, John <Irving.John@epa.gov>; Coxen, Carrie <coxen.carrie@epa.gov>; Dunlap, David <dunlap.david@epa.gov>; Fitzmorris, Amanda <fitzmorris.amanda@epa.gov>; Jones, Lindsey <jones.lindsey@epa.gov>; Vizian, Donna <Vizian.Donna@epa.gov>; Zeckman, David <zeckman.david@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; McIntosh, Chad <mcintosh.chad@epa.gov>; Zimmer, Nathaniel <zimmer.nathaniel@epa.gov>; Yarbrough, John (Daniel) <Yarbrough.Daniel@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Cody, Meredith <cody.meredith@epa.gov>; Wright, Peter <wright.peter@epa.gov>; Hoverman, Taylor <hoverman.taylor@epa.gov>; Cook, Steven <cook.steven@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Edwards, John (Holt) <edwards.john@epa.gov>

Subject: SEPW Briefing Binder

1 of 2 – PLEASE LIMIT DISTRIBUTION AS APPROPRIATE

Hello All – I apologize for my delay in sending these documents around, there are still some moving parts, but we wanted to get the majority of what is finalized to you before the last hold outs.

Attached, please find the truncated SEPW hearing binder that is currently with the Administrator for his review prior to briefings this week in advance of his hearing Wednesday. All of the sheets in this file should be highlighted in the attached TOC.

Following this email, I will send another with the full binder that reflects all of the documents on the TOC, the file is simply too large to get into one email.

There have been a lot of moving parts in this process, please let me know if you have any questions, think I missed a sheet your office provided to OCIR, or have any comments.

Have a great day!

Best,
Tony

Tony Frye
Director of Senate Affairs
Office of Congressional Affairs
Environmental Protection Agency
Cell: 202.603.3225

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Member Bios

Senate Committee on Environment and Public Works

Chairman John Barrasso	EPWREP-1
Senator Jim Inhofe	EPWREP-2
Senator Shelley Moore Capito	EPWREP-3
Senator Kevin Cramer.....	EPWREP-4
Senator Mike Braun	EPWREP-5
Senator Mike Rounds.....	EPWREP-6
Senator Dan Sullivan	EPWREP-7
Senator John Boozman	EPWREP-8
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Senator Joni Ernst	EPWREP-11

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Senator Kirsten Gillibrand	EPWDEM-6
Senator Cory Booker.....	EPWDEM-7
Senator Ed Markey	EPWDEM-8
Senator Tammy Duckworth.....	EPWDEM-9
Senator Chris Van Hollen	EPWDEM-10

Message

From: Scott, Corey [scott.corey@epa.gov]
Sent: 6/17/2020 12:24:02 AM
To: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
CC: Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Dickerson, Aaron [dickerson.aaron@epa.gov]; Hyman, Alana [Hyman.Alana@epa.gov]; Coxen, Carrie [coxen.carrie@epa.gov]
Subject: Briefing Materials for Wednesday, June 17, 2020
Attachments: AAW - Daily Schedule - June 17, 2020.docx; ATT00001.htm; WashEx Briefing Memo 6.17.20.docx; ATT00002.htm; 1-BP Talking Point 6.17.20.docx; ATT00003.htm; 1015 OCIR_Talking Points from OCSPP_OGC.docx; ATT00004.htm; 1015 OCIR_Agriculture Secretary Sonny Perdue bio.docx; ATT00005.htm; 1015 OCIR_Congressman Sanford Bishop Bio.docx; ATT00006.htm; 1015 OCIR_Congressman Fortenberry Bio.docx; ATT00007.htm; 1015 OCIR_Incoming Bishop-Fortenberry Dicamba Letter.pdf; ATT00008.htm; 1100 call with Russ Vought Enforcement Discretion Policy Considerations .docx; ATT00009.htm; Call with Director Vought Agenda.docx; ATT00010.htm; Call with Director Vought Attachment A Draft Reg Agenda Entry for Joint-MDHD Fuel Efficiency Rule.docx; ATT00011.htm; Call with Director Vought Attachment B Spring 2020 Semiannual Agenda – Stats.docx; ATT00012.htm; Call with Director Vought Attachment C Heavy-Duty GHG and Fuel Efficiency Program Background Document.docx; ATT00013.htm; Spring 2020 Semiannual Agenda Stats_2.docx-BB.docx; ATT00014.htm; Draft MDHD Fuel Efficiency Reg Agenda Entry.docx; ATT00015.htm; EPA- Opening remarks 6.17.20.docx; ATT00016.htm; 6.17 Faith Based Call.docx; ATT00017.htm; 300 OP_Checkin Agenda2.docx; ATT00018.htm; 300 OP_Checkin Attachment A Guidance Portal Stats.docx; ATT00019.htm; 300 OP_Checkin Attachment B Process for Administrator Signature for Non Reg Federal Register Documents.docx; ATT00020.htm; 300 OP_Checkin Attachment C Tracking 13 Priority Rules2.xlsx; ATT00021.htm; 330 OGC_Leopold Check-in Document 1 TSCA Fluoride.docx; ATT00022.htm; 330 OGC_Leopold Check-in Document 2 NRDC v. EPA - Motion to Terminate CD EPA draft 6.12.20.cw and psp.docx; ATT00023.htm; 330 OGC_Leopold Check-in Document 3 Letter to Judge Ramos re Stay of Deadlines and Motion v2.cw and psp.docx; ATT00024.htm; 400 OECA_Check-In June 17.docx; ATT00025.htm; 500 OW_Check in Agenda_06.17.2020.docx; ATT00026.htm; A1 - 500 OW_Check in Attachment VIDA_06.17.2020.pdf; ATT00027.htm; Mandy's email.pdf; ATT00028.htm; FAC Directive Litigation Press Release_DRAFT.docx; ATT00029.htm; FAC_Options for Replacing FAC Directive.docx; ATT00030.htm; FAC_Expanded Options for Replacing FAC Directive.docx; ATT00031.htm

Sir,

Here are your materials for tomorrow, June 17, 2020.

1. Daily Schedule
2. Media Prebrief & Media Interview
3. Call with House Agriculture Leaders
4. Call with OMB Director Russ Vought
5. EPA/CDC Faith Leaders Call
6. Check in with OP
7. Check in with OGC
8. Check in with OECA
9. Check in with OW

For your call with Nancy Grantham and Donna Vizian the topic is the National Honor Awards but there was no briefer for that.

Thanks!

Corey

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM ABP	NPRM Options Selection	NPRM FAR	NPRM to OMB	NPRM Signature	NPRM FR Publication	Comment Period End	Final Early Guidance	Final ABP	Final Options Selection	Final FAR	Final to OMB	Final Signature	Final FR Publication	Comments	OP Notes	Fall 2017 Reg Agenda NPRM	Fall 2017 Reg Agenda Final	PRAD
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target Actual or Current Planned																				
No		EGU GHG NSPS	OAR	5548.6	2	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target Actual or Current Planned																				
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units	Target Actual or Current Planned																				
No		NO2 NAAQS	OAR	5622	2	Review of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen	Target Actual or Current Planned																				
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target Actual or Current Planned																				
No		SO2 NAAQS	OAR	5747	1	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides	Target Actual or Current Planned																				
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target Actual or Current Planned																				
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule	Target Actual or Current Planned																				
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target Actual or Current Planned																				
No		Cement RTR	OAR	5890	2	National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry Residual Risk and Technology Review	Target Actual or Current Planned																				
No		Mid-term Evaluation	OAR	5899.1	2	Reconsideration of Final Determination: Mid Term Evaluation of Greenhouse Gas Emissions Standards for Model Year 2022-2025 Light Duty Vehicles	Target Actual or Current Planned																				
No		Turbine RTR	OAR	5909	2	Stationary Combustion Turbine RTR	Target Actual or Current Planned																				
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target Actual or Current Planned																				
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target Actual or Current Planned																				
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target Actual or Current Planned																				

Ex. 5 Deliberative Process (DP)

No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:*	Target
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Actual or Current Planned
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Actual or Current Planned
No		HCI RTR	OAR	6267	2	National Emission Standards for Hazardous Air Pollutants for Hydrochloric Acid Production Residual Risk and Technology Review	Target
Yes		CPP Replace	OAR	6346	1	State Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units	Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Netting	Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020Commencement: -	Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSPP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target Actual or Current Planned
No		Lead dust	OCSPP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target Actual or Current Planned
Yes		WPS	OCSPP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target Actual or Current Planned
No		CBI	OEI	5757	2	Revisions to 40 CFR Part 2, Subpart b (Confidentiality of Business Information)	Target Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target Actual or Current Planned
Yes		CCR Remand	OLEM	5939	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1)	Target Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process (ANPRM*)	Target Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target Actual or Current Planned
No		UNDS Armed Forces II	OW	5772	2	Uniform National Discharge Standards for Vessels of the Armed Forces--Phase II--Batch Two (UNDS)*	Target Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM ABP	NPRM Options Selection	NPRM FAR	NPRM to OMB	NPRM Signature	NPRM FR Publication	Comment Period End	Final Early Guidance	Final ABP	Final Options Selection	Final FAR	Final to OMB	Final Signature	Final FR Publication	Comments	OP Notes	Fall 2017 Reg Agenda NPRM	Fall 2017 Reg Agenda Final	PRAD
No		LDAR	OAR	5364	2	No indication of current milestone or completed milestones (on-schedule)	Target Actual or Current Planned																				
No		EGU GHG NSPS	OAR	5548.6	2	No indication of current milestone or completed milestones (some delayed milestones)	Target Actual or Current Planned																				
Yes		CPP Repeal	OAR	5548.7	1	No indication of current milestone or completed milestones (some delayed milestones and no color if no dates)	Target Actual or Current Planned																				
No		NO2 NAAQS	OAR	5622	2	Completed milestones cross-hatched (on-schedule)	Target Actual or Current Planned																				
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Completed milestones bold and larger font (on-schedule)	Target Actual or Current Planned																				
No		SO2 NAAQS	OAR	5747	1	Completed milestones cross-hatched (some delayed milestones)	Target Actual or Current Planned																				
No		Aircraft GHG	OAR	5773.1	2	Completed milestones bold and dots and no color for uncompleted milestones (some delayed milestones)	Target Actual or Current Planned																				
No		REGS	OAR	5845	2	Only late milestones are colored (some delayed milestones)	Target Actual or Current Planned																				
No		Ozone SIP	OAR	5870	2	Next milestone indicated in purple (on-schedule)	Target Actual or Current Planned																				
No		Cement RTR	OAR	5890	2	Next milestone indicated in purple outline (some delays)	Target Actual or Current Planned																				
No		Mid-term Evaluation	OAR	5899.1	2	Next milestone in purple outline and no color if no milestone date (on-schedule)	Target Actual or Current Planned																				
No		Turbine RTR	OAR	5909	2		Target Actual or Current Planned																				
No		Engine RTR	OAR	5911	2		Target Actual or Current Planned																				
No		Ethylene RTR	OAR	5914	2		Target Actual or Current Planned																				
No		II&S RTR	OAR	5919	2		Target Actual or Current Planned																				

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

No		Reinforced Plastics & Boat RTR	OAR	5930	2		Target Actual or Current Planned
No		Tire RTR	OAR	5949	2		Target Actual or Current Planned
No		Fuels Modernization	OAR	5983	2		Target Actual or Current Planned
No		Asphalt RTR	OAR	5988	2		Target Actual or Current Planned
No		HCI RTR	OAR	6267	2		Target Actual or Current Planned
Yes		CPP Replace	OAR	6346	1		Target Actual or Current Planned
No		Gliders	OAR	6459	1		Target Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2		Target Actual or Current Planned
No		OLD RTR	OAR	6503	2		Target Actual or Current Planned
No		NSR Netting	OAR	6598	2		Target Actual or Current Planned
No		O&G NSPS	OAR	6616	1		Target Actual or Current Planned
No		RFS	OAR	6642	1		Target Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSP	5007.1	2		Target
No		Lead dust	OCSP	5488	1		Actual or Current Planned
Yes		WPS	OCSP	6331	2		Target
No		CBI	OEI	5757	2		Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3		Target
Yes		CCR Remand	OLEM	5939	3		Actual or Current Planned
Yes		HSSP	OLEM	5957	2		Target
1		Cost consistency	OP	6530	2		Actual or Current Planned
Yes		Lead & Copper	OW	5423	1		Target
No		Perchlorate	OW	5555	1		Actual or Current Planned
No		UNDS Armed Forces II	OW	5772	2		Target
Yes		WOTUS repeal	OW	6027	1		Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1		Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM ABP	NPRM Options Selection	NPRM FAR	NPRM to OMB	NPRM Signature	NPRM FR Publication	Comment Period End	Final Early Guidance	Final ABP	Final Options Selection	Final FAR	Final to OMB	Final Signature	Final FR Publication	Comments	Fall 2017 Reg Agenda NPRM	Fall 2017 Reg Agenda Final	PRAD
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target Actual or Current Planned																			
No		EGU GHG NSPS	OAR	5548.6	2	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target Actual or Current Planned																			
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units	Target Actual or Current Planned																			
No		NO2 NAAQS	OAR	5622	2	Review of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen	Target Actual or Current Planned																			
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target Actual or Current Planned																			
No		SO2 NAAQS	OAR	5747	1	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides	Target Actual or Current Planned																			
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target Actual or Current Planned																			
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule	Target Actual or Current Planned																			
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target Actual or Current Planned																			
No		Cement RTR	OAR	5890	2	National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry Residual Risk and Technology Review	Target Actual or Current Planned																			
No		Mid-term Evaluation	OAR	5899.1	2	Reconsideration of Final Determination: Mid Term Evaluation of Greenhouse Gas Emissions Standards for Model Year 2022-2025 Light Duty Vehicles	Target Actual or Current Planned																			
No		Turbine RTR	OAR	5909	2	Stationary Combustion Turbine RTR	Target Actual or Current Planned																			
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target Actual or Current Planned																			
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target Actual or Current Planned																			
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target Actual or Current Planned																			

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:*	Target Actual or Current Planned
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Target Actual or Current Planned
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target Actual or Current Planned
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Target Actual or Current Planned
No		HCI RTR	OAR	6267	2	National Emission Standards for Hazardous Air Pollutants for Hydrochloric Acid Production Residual Risk and Technology Review	Target Actual or Current Planned
Yes		CPP Replace	OAR	6346	1	State Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units	Target Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Target Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Netting	Target Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target Actual or Current Planned
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020Commencement: -	Target Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSPP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target Actual or Current Planned
No		Lead dust	OCSPP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target Actual or Current Planned
Yes		WPS	OCSPP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target Actual or Current Planned
No		CBI	OEI	5757	2	Revisions to 40 CFR Part 2, Subpart b (Confidentiality of Business Information)	Target Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target Actual or Current Planned
Yes		CCR Remand	OLEM	5939	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1)	Target Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process (ANPRM*)	Target Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target Actual or Current Planned
No		UNDS Armed Forces II	OW	5772	2	Uniform National Discharge Standards for Vessels of the Armed Forces--Phase II--Batch Two (UNDS)*	Target Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	Fall 2017 Reg Agenda NPRM	Fall 2017 Reg Agenda Final	PRAD
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target Actual or Current Planned															
No		EGU GHG NSPS	OAR	5548.6	2	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target Actual or Current Planned															
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units	Target Actual or Current Planned															
No		NO2 NAAQS	OAR	5622	2	Review of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen	Target Actual or Current Planned															
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target Actual or Current Planned															
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides	Target Actual or Current Planned															
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target Actual or Current Planned															
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule	Target Actual or Current Planned															
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target Actual or Current Planned															
No		Cement RTR	OAR	5890	2	National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry Residual Risk and Technology Review	Target Actual or Current Planned															
No		Mid-term Evaluation	OAR	5899.1	2	Reconsideration of Final Determination: Mid Term Evaluation of Greenhouse Gas Emissions Standards for Model Year 2022-2025 Light Duty Vehicles	Target Actual or Current Planned															
No		Turbine RTR	OAR	5909	2	Stationary Combustion Turbine RTR	Target Actual or Current Planned															
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target Actual or Current Planned															
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target Actual or Current Planned															
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target Actual or Current Planned															

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Actual or Current Planned
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Actual or Current Planned
No		HCl RTR	OAR	6267	2	National Emission Standards for Hazardous Air Pollutants for Hydrochloric Acid Production Residual Risk and Technology Review	Target
Yes		CPP Replace	OAR	6346	1	State Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units	Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Netting	Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020Commencement: -	Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSPP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target Actual or Current Planned
No		Lead dust	OCSPP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target Actual or Current Planned
Yes		WPS	OCSPP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target Actual or Current Planned
No		CBI	OEI	5757	2	Revisions to 40 CFR Part 2, Subpart b (Confidentiality of Business Information)	Target Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target Actual or Current Planned
Yes		CCR Remand	OLEM	5939	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1)	Target Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process (ANPRM*)	Target Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	Fall 2017 Reg Agenda NPRM	Fall 2017 Reg Agenda Final	PRAD
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target	Ex. 5 Deliberative Process (DP)														
							Actual or Current Planned															
No		EGU GHG NSPS	OAR	5548.6	2	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target															
							Actual or Current Planned															
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units	Target															
							Actual or Current Planned															
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target															
							Actual or Current Planned															
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides	Target															
							Actual or Current Planned															
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target															
							Actual or Current Planned															
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule	Target															
							Actual or Current Planned															
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target															
							Actual or Current Planned															
No		Cement RTR	OAR	5890	2	National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry Residual Risk and Technology Review	Target															
							Actual or Current Planned															
No		Turbine RTR	OAR	5909	2	Stationary Combustion Turbine RTR	Target															
							Actual or Current Planned															
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands Residual Risk and Technology Review	Target															
							Actual or Current Planned															
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target															
							Actual or Current Planned															
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target															
							Actual or Current Planned															

Ex. 5 Deliberative Process (DP)

No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Actual or Current Planned
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Actual or Current Planned
No		HCl RTR	OAR	6267	2	National Emission Standards for Hazardous Air Pollutants for Hydrochloric Acid Production Residual Risk and Technology Review	Target
Yes		CPP Replace	OAR	6346	1	State Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units	Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020Commencement: -	Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
No		CBI	OGC	5757	2	Revisions to 40 CFR Part 2, Subpart b (Confidentiality of Business Information)	Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
Yes		CCR Remand	OLEM	5939	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1)	Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process (ANPRM*)	Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	Fall 2017 Reg Agenda NPRM	Fall 2017 Reg Agenda Final	PRAD
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target	Ex. 5 Deliberative Process (DP)														
							Actual or Current Planned															
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target															
							Actual or Current Planned															
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units	Target															
							Actual or Current Planned															
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target															
							Actual or Current Planned															
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides	Target															
							Actual or Current Planned															
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target															
							Actual or Current Planned															
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule	Target															
							Actual or Current Planned															
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target															
							Actual or Current Planned															
No		Turbine RTR	OAR	5909	2	Stationary Combustion Turbine RTR	Target															
							Actual or Current Planned															
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target															
							Actual or Current Planned															
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards–Ethylene Production	Target															
							Actual or Current Planned															
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target															
							Actual or Current Planned															
No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target															
							Actual or Current Planned															

Ex. 5 Deliberative Process (DP)

No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Target
							Actual or Current Planned
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
							Actual or Current Planned
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Target
							Actual or Current Planned
Yes		CPP Replace	OAR	6346	1	State Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units	Target
							Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
							Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020Commencement: -	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	Rulemaking to Establish Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements; Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1)	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process (ANPRM*)	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	Fall 2017 Reg Agenda NPRM	Fall 2017 Reg Agenda Final	PRAD
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target															
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target															
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units	Target															
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target															
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides	Target															
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target															
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule	Target															
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target															
No		Turbine RTR	OAR	5909	2	Stationary Combustion Turbine RTR	Target															
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target															
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target															
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target															
No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target															

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Target
							Actual or Current Planned
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
							Actual or Current Planned
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Target
							Actual or Current Planned
Yes		CPP Replace	OAR	6346	1	State Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units	Target
							Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
							Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020Commencement: -	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	The Safer and Affordable Fuel Efficient (SAFE) Vehicles Rule, MY2021-2026	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements; Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1)	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process (ANPRM*)	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	Fall 2017 Reg Agenda NPRM	Fall 2017 Reg Agenda Final	PRAD
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target															
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target															
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units	Target															
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target															
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides	Target															
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target															
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule	Target															
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target															
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands Residual Risk and Technology Review	Target															
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target															
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target															
No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target															
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Target															

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
							Actual or Current Planned
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Target
							Actual or Current Planned
Yes		CPP Replace	OAR	6346	1	State Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units	Target
							Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
							Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020 Commencement	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements; Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939.2	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1, Part	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process (ANPRM*)	Target
							Actual or Current Planned
			ORD	6781	1	Strengthening Transparency in Regulatory Science	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	PRAD
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target													
							Actual or Current Planned													
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target													
							Actual or Current Planned													
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (CPP Repeal)	Target													
							Actual or Current Planned													
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target													
							Actual or Current Planned													
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides (SO2 NAAQS)	Target													
							Actual or Current Planned													
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target													
							Actual or Current Planned													
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule (REGS)	Target													
							Actual or Current Planned													
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target													
							Actual or Current Planned													
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target													
							Actual or Current Planned													
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target													
							Actual or Current Planned													
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target													
							Actual or Current Planned													
No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target													
							Actual or Current Planned													
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Target													
							Actual or Current Planned													

Ex. 5 Deliberative Process (DP)

No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
							Actual or Current Planned
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Target
							Actual or Current Planned
Yes		CPP Replace	OAR	6346	1	Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units (Affordable Clean Energy rule)	Target
							Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
							Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews (MON)	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020 Commencement	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939.2	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1, Part 2)	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process	Target
							Actual or Current Planned
			ORD	6781	1	Strengthening Transparency in Regulatory Science	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	PRAD
			OAR	4908	2	NESHAP Amendment: General Provisions for Once In Always In	Target													
							Actual or Current Planned													
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target													
							Actual or Current Planned													
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target													
							Actual or Current Planned													
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (CPP Repeal)	Target													
							Actual or Current Planned													
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target													
							Actual or Current Planned													
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides (SO2 NAAQS)	Target													
							Actual or Current Planned													
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target													
							Actual or Current Planned													
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule (REGS)	Target													
							Actual or Current Planned													
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target													
							Actual or Current Planned													
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target													
							Actual or Current Planned													
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target													
							Actual or Current Planned													
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target													
							Actual or Current Planned													
No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target													
							Actual or Current Planned													
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Target													
							Actual or Current Planned													

Ex. 5 Deliberative Process (DP)

No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
							Actual or Current Planned
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Target
							Actual or Current Planned
Yes		CPP Replace	OAR	6346	1	Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units (Affordable Clean Energy rule)	Target
							Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
							Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews (MON)	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020 Commencement	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
			OAR	6757	1	The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks	Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939.2	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1, Part 2)	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process	Target
							Actual or Current Planned
			ORD	6781	1	Strengthening Transparency in Regulatory Science	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category - Reconsideration	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments
			OAR	4908	2	NESHAP Amendment: General Provisions for Once In Always In	Target												
							Actual or Current Planned												
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target												
							Actual or Current Planned												
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target												
							Actual or Current Planned												
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (CPP Repeal)	Target												
							Actual or Current Planned												
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target												
							Actual or Current Planned												
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides (SO2 NAAQS)	Target												
							Actual or Current Planned												
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target												
							Actual or Current Planned												
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule (REGS)	Target												
							Actual or Current Planned												
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target												
							Actual or Current Planned												
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target												
							Actual or Current Planned												
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target												
							Actual or Current Planned												
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target												
							Actual or Current Planned												
No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target												
							Actual or Current Planned												
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Target												
							Actual or Current Planned												

Ex. 5 Deliberative Process (DP)

No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
							Actual or Current Planned
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Target
							Actual or Current Planned
Yes		CPP Replace	OAR	6346	1	Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units (Affordable Clean Energy rule)	Target
							Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
							Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews (MON)	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020 Commencement	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSPP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSPP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
Yes		WPS	OCSPP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939.2	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities; Amendments to the National Minimum Criteria (Phase 1, Part	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process	Target
							Actual or Current Planned
			ORD	6781	1	Strengthening Transparency in Regulatory Science	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category - Reconsideration	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	PRAD
			OAR	4908	2	Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act (Once In, Always In)	Target													
							Actual or Current Planned													
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target													
							Actual or Current Planned													
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (CPP Repeal)	Target													
							Actual or Current Planned													
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target													
							Actual or Current Planned													
No		SO2 NAAQS	OAR	5747	2	Review of the Primary SO2 NAAQS	Target													
							Actual or Current Planned													
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target													
							Actual or Current Planned													
No		Engine RTR	OAR	5911	2	Engine Test Cells/Stands RTR	Target													
							Actual or Current Planned													
No		Ethylene RTR	OAR	5914	2	Ethylene Production RTR	Target													
							Actual or Current Planned													
No		II&S RTR	OAR	5919	2	Integrated Iron and Steel Manufacturing Facilities RTR	Target													
							Actual or Current Planned													
			OAR	5925	2	Taconite Iron Ore Processing RTR	Target													
							Actual or Current Planned													
No		Reinforced Plastics & Boat RTR	OAR	5930	2	Reinforced Plastics Composites and Boat Manufacturing RTR	Target													
							Actual or Current Planned													
			OAR	5948	2	Lime Manufacturing RTR	Target													
							Actual or Current Planned													
			OAR	5962	2	Iron and Steel Foundries RTR	Target													
							Actual or Current Planned													
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target													
							Actual or Current Planned													

Ex. 5 Deliberative Process (DP)

No		Asphalt RTR	OAR	5988	2	Asphalt Processing and Asphalt Roofing Manufacturing RTR	Target
							Actual or Current Planned
Yes		CPP Replace	OAR	6346	1	Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units (Affordable Clean Energy rule)	Target
							Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing (MON) RTR	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020 Commencement	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks	Target
							Actual or Current Planned
			OAR	6838	2	MSW Landfills RTR	Target
							Actual or Current Planned
			OAR	6839	2	MSW Landfills Reconsideration	Target
							Actual or Current Planned
			OAR	6884	2	Renewable Fuel Standard Program Modification of Applicable Volumes (Reset)	Target
							Actual or Current Planned
			OAR	6928	2	Site Remediation RTR	Target
							Actual or Current Planned
			OAR	6934	2	Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSP	5007.1	2	Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
			OCSP	5830	1	Methylene Chloride	Target
							Actual or Current Planned
			OCSP	6015	2	Regulation of Persistent, Biocumulative, and Toxic Chemicals under TSCA 6(h)	Target
							Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
			OLEM	5350.2	1	Financial Responsibility Requirements under CERCLA Section 108(b) for the Additional Classes	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
			OLEM	5939.1	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues from Electric Utilities: Amendments to the National Minimum Criteria (Phase 2)	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939.2	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1, Part 2)	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category - Reconsideration	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned
			OW	6682	2	Clean Water Act 404 Assumption Update Regulation	Target
							Actual or Current Planned
			OW	6694	2	Peak Flows Management	Target
							Actual or Current Planned
			OW	6948	2	Clean Water Act Section 404(c) Regulatory Revision	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	PRAD
			OAR	4908	2	Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act (Once In, Always In)	Target													
							Actual or Current Planned													
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target													
							Actual or Current Planned													
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (CPP Repeal)	Target													
							Actual or Current Planned													
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target													
							Actual or Current Planned													
No		SO2 NAAQS	OAR	5747	2	Review of the Primary SO2 NAAQS	Target													
							Actual or Current Planned													
No		Ethylene RTR	OAR	5914	2	Ethylene Production RTR	Target													
							Actual or Current Planned													
No		II&S RTR	OAR	5919	2	Integrated Iron and Steel Manufacturing Facilities RTR	Target													
							Actual or Current Planned													
			OAR	5925	2	Taconite Iron Ore Processing RTR	Target													
							Actual or Current Planned													
No		Reinforced Plastics & Boat RTR	OAR	5930	2	Reinforced Plastics Composites and Boat Manufacturing RTR	Target													
							Actual or Current Planned													
			OAR	5948	2	Lime Manufacturing RTR	Target													
							Actual or Current Planned													
			OAR	5962	2	Iron and Steel Foundries RTR	Target													
							Actual or Current Planned													
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target													
							Actual or Current Planned													
No		Asphalt RTR	OAR	5988	2	Asphalt Processing and Asphalt Roofing Manufacturing RTR	Target													
							Actual or Current Planned													
Yes		CPP Replace	OAR	6346	1	Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units (Affordable Clean Energy rule)	Target													
							Actual or Current Planned													

Ex. 5 Deliberative Process (DP)

No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing (MON) RTR	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks	Target
							Actual or Current Planned
			OAR	6838	2	MSW Landfills RTR	Target
							Actual or Current Planned
			OAR	6839	2	MSW Landfills Reconsideration	Target
							Actual or Current Planned
			OAR	6884	2	Renewable Fuel Standard Program Modification of Applicable Volumes (Reset)	Target
							Actual or Current Planned
			OAR	6928	2	Site Remediation RTR	Target
							Actual or Current Planned
			OAR	6934	2	Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Target
							Actual or Current Planned
Yes		Pesticide Age Requirements	OCSP	5007.1	2	Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
			OCSP	5830	1	Methylene Chloride	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

			OCSP	6015	2	Regulation of Persistent, Biocumulative, and Toxic (PBT) Chemicals under TSCA 6(h)	Target
							Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
			OLEM	5350.2	2	Financial Responsibility Requirements under CERCLA Section 108(b) for the Additional Classes	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
			OLEM	5939.1	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues from Electric Utilities: Amendments to the National Minimum Criteria (Phase 2)	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939.2	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1, Part 2)	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category - Reconsideration	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned
			OW	6682	2	Clean Water Act 404 Assumption Update Regulation	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

OW	6694	2	Peak Flows Management	Target
				Actual or Current Planned
OW	6948	2	Clean Water Act Section 404(c) Regulatory Revision	Target
				Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Schedule Tracking for 13 Priority Actions
(*Dates pulled on 4-2-20)

]

Office	Title	Status	NPRM Early Guidance	NPRM Option Selectio n	NPRM FAR	NPRM to OMB	NPRM Signatur e	Final Early Guidance	Final Option Selecti on	Final FAR	Final to OMB	Final Signatur e	Comments
OAR	Cleaner Trucks Initiative	Target											
		Actual or Current Planned											
OAR	Increasing Consistency and Transparency in Considering Benefits and Costs in the Clean Air Act Rulemaking Process	Target											
		Actual or Current Planned											
OAR	PM NAAQS Review	Target											
		Actual or Current Planned											
OAR	Ozone NAAQS Review	Target											
		Actual or Current Planned											
OAR	Oil and Gas NSPS Review ("Policy Package")	Target											
		Actual or Current Planned											
OCSP	Review of Dust Lead Clearance Levels	Target											
		Actual or Current Planned											
OCSP	Updates to PIPs Exemptions	Target											
		Actual or Current Planned											
OLEM	CCR Litigation Response Part B - Alternative Demonstration for Unlined Surface Impoundments & Request for Comment on Legacy	Target											
		Actual or Current Planned											
OLEM	CCR Litigation Response Part A - Revision of "Cease Receipt of Waste" Deadline for CCR Surface Impoundments	Target											
		Actual or Current Planned											
OW	Steam Electric ELG Reconsideration	Target											
		Actual or Current Planned											
OW	Lead and Copper NPDWR - Long Term Revisions	Target											
		Actual or Current Planned											
OP	Procedures for Issuing Guidance Documents	Target											
		Actual or Current Planned											
ORD	Strengthening Transparency in Regulatory Science	Target											
		Actual or Current Planned											

Ex. 5 Deliberative Process (DP)

Color Key	
Completed Milestones Color Key	
On or before target date	
Within 1 month of target date	
1 month to 3 months after target date	
3 months or more after target date	
Outstanding Milestones Color Key	
Late but within 1 month of target date	
Late by 1 month to 3 months after target date	
Late by 3 months or more after target date	

Abbreviations
N/A No dates in ADP Tracker yet or specific milestone does not apply to Tier 3 rule.

Color Key:	
	On or before target date
	Within 1 month of target date
	1 month to 3 months after target date
	3 months or more after target date
Bold with Dots	Next upcoming milestone
	Please review and address comment.

Abbreviations:	
[Blank]	No dates in ADP Tracker.
[9999]	Placeholder in ADP Tracker.
FR	Dates except for signature not shown for final rule milestone until comment period has ended.
Waived	Milestone officially waived.
N/A	Milestone does not apply (Tier 3 or not a regulation).
NS	Non-significant (no OMB review). NS? indicates that OMB has not yet made the determination.
[late]	Milestone date has passed but ADP Tracker has not been updated with new schedule or actual completed date.
Moot	Milestone overtaken by events and did not occur.

Preliminary Actions to add to list after Fall 2018 Agenda published

OAR 5925	Taconite Iron Ore Processing RTR (subpart RRRRR)
OAR 5948	Lime Manufacturing RTR (subpart AAAAA)
OAR 5962	Iron and Steel Foundries RTR (subpart EEEEE)
OAR 6838	MSW Landfills RTR
OAR 6839	MSW Landfills Reconsideration
OAR 6884	Renewable Fuel Standard Program Modification of Applicable Volumes
OAR 6928	Site Remediation RTR
OAR 6934	Miscellaneous Coating Manufacturing RTR
OCSPP 5830	Methylene Chloride
OCSPP 6015	Regulation of Persistent, Bioaccumulative, and Toxic Chemicals under TSCA 6(h)
OLEM 5350.2	Financial Responsibility Requirements under CERCLA Section 108(b) for the Additional Classes
OW 6682	Clean Water Act 404 Assumption Update Regulation
OW 6694	Peak Flows Management
OW 6948	Clean Water Act 404(c)

Criteria for Inclusion on List of Priority Actions:

Ex. 5 Deliberative Process (DP)

Statistics for:	July 2018 Report
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Office	# Actions with upcoming milestone more than 30 days behind schedule	Total # Actions	Comments
OAR	23	25	
OCSPP	2	3	
OLEM	0	3	
OP	0	1	
ORD	0	1	
OW	2	5	*Missing milestone target dates for 3 of 5 actions.
Total	27	38	

Message

From: Frye, Tony (Robert) [frye.robert@epa.gov]
Sent: 5/13/2020 7:49:56 PM
To: Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Hanson, Paige (Catherine) [hanson.catherine@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Bolen, Derrick [bolen.derrick@epa.gov]; Dankert, Charles M. (Charlie) [Dankert.Charles@epa.gov]; Bloom, David [Bloom.David@epa.gov]; Willey, Katharine [willey.katharine@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Harlow, David [harlow.david@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Moor, Karl [Moor.Karl@epa.gov]; Cory, Preston [Cory.Preston@epa.gov]; Raymond, Kelley [Raymond.Kelley@epa.gov]; Tardif, Abigale (Abbie) [Tardif.Abigale@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]; Fischer, David [Fischer.David@epa.gov]; Bolen, Derrick [bolen.derrick@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Tran, Victoria [tran.victoria@epa.gov]; Irving, John [Irving.John@epa.gov]; Coxen, Carrie [coxen.carrie@epa.gov]; Dunlap, David [dunlap.david@epa.gov]; Fitzmorris, Amanda [fitzmorris.amanda@epa.gov]; Jones, Lindsey [jones.lindsey@epa.gov]; Vizian, Donna [Vizian.Donna@epa.gov]; Zeckman, David [zeckman.david@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Wildeman, Anna [wildeman.anna@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; McIntosh, Chad [mcintosh.chad@epa.gov]; Zimmer, Nathaniel [zimmer.nathaniel@epa.gov]; Yarbrough, John (Daniel) [Yarbrough.Daniel@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Cody, Meredith [cody.meredith@epa.gov]; Wright, Peter [wright.peter@epa.gov]; Hoverman, Taylor [hoverman.taylor@epa.gov]; Cook, Steven [cook.steven@epa.gov]
CC: Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Voyles, Travis [Voyles.Travis@epa.gov]; Edwards, John (Holt) [edwards.john@epa.gov]
Subject: RE: SEPW Briefing Binder
Attachments: 2020.05.13 - Administrator Wheeler Full Budget Binder (2).zip

2 of 2 – PLEASE LIMIT DISTRIBUTION AS APPROPRIATE

Full binder attached.

Tony Frye

Director of Senate Affairs
Office of Congressional Affairs
Environmental Protection Agency
Cell: 202.603.3225

From: Frye, Tony (Robert)
Sent: Wednesday, May 13, 2020 3:47 PM
To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Michael Molina (molina.michael@epa.gov) <molina.michael@epa.gov>; Hanson, Paige (Catherine) <hanson.catherine@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Dankert, Charles M. (Charlie) <Dankert.Charles@epa.gov>; Bloom, David <Bloom.David@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Moor, Karl <Moor.Karl@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Raymond, Kelley <Raymond.Kelley@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Fischer, David <Fischer.David@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Irving, John <Irving.John@epa.gov>; Coxen, Carrie <coxen.carrie@epa.gov>; Dunlap, David <dunlap.david@epa.gov>; Fitzmorris, Amanda <fitzmorris.amanda@epa.gov>; Jones, Lindsey <jones.lindsey@epa.gov>; Vizian, Donna <Vizian.Donna@epa.gov>; Zeckman, David <zeckman.david@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; McIntosh, Chad <mcintosh.chad@epa.gov>; Zimmer, Nathaniel

<zimmer.nathaniel@epa.gov>; Yarbrough, John (Daniel) <Yarbrough.Daniel@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Cody, Meredith <cody.meredith@epa.gov>; Wright, Peter <wright.peter@epa.gov>; Hoverman, Taylor <hoverman.taylor@epa.gov>; Cook, Steven <cook.steven@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Edwards, John (Holt) <edwards.john@epa.gov>
Subject: SEPW Briefing Binder

1 of 2 – PLEASE LIMIT DISTRIBUTION AS APPROPRIATE

Hello All – I apologize for my delay in sending these documents around, there are still some moving parts, but we wanted to get the majority of what is finalized to you before the last hold outs.

Attached, please find the truncated SEPW hearing binder that is currently with the Administrator for his review prior to briefings this week in advance of his hearing Wednesday. All of the sheets in this file should be highlighted in the attached TOC.

Following this email, I will send another with the full binder that reflects all of the documents on the TOC, the file is simply too large to get into one email.

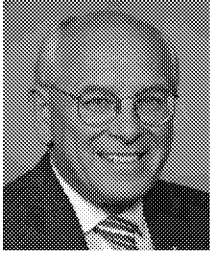
There have been a lot of moving parts in this process, please let me know if you have any questions, think I missed a sheet your office provided to OCIR, or have any comments.

Have a great day!

Best,
Tony

Tony Frye
Director of Senate Affairs
Office of Congressional Affairs
Environmental Protection Agency
Cell: 202.603.3225

E&C Dem Members
Environment and Climate Change Subcommittee



Environment and Climate Change Subcommittee Chair Paul Tonko (D-NY-20)

BIO: Prior to serving in Congress, Rep. Tonko was the President and CEO of the New York State Energy Research and Development Authority (NYSERDA). Before that, he served in the New York State Assembly for 25 years.

NEW YORK'S 26TH DISTRICT: Update New York, including Albany the Capital and Schenectady, Troy, Saratoga Springs and his hometown of Amsterdam, in the Mohawk and Hudson River Valleys.

ISSUES OF CONCERN:

- **Hydrofluorocarbons (HFCs)**
 - Introduced the H.R. 5544, the bipartisan “American Innovation and Manufacturing Leadership Act,” on January 14, 2020, which authorizes EPA to phase down the use of HFCs over a 15-year period via an allowance allocation and trading program.
 - EPA provided Cindy Newberg, the Director of the Stratospheric Protection Division in the Office of Atmospheric Programs, to provide testimony of the EPA’s technical assistance on this bill at a January 14, 2020 legislative hearing for the Subcommittee.
- **Strengthening Transparency in Regulatory Science Rule**
 - Signed a June 2018 letter opposing the proposed rule, and attended a November 13, 2019 House Science hearing on the proposed rule.
- **H.R. 1709, the “Scientific Integrity Act”**
 - Introduced H.R. 1709 on March 13, 2019, which has 232 cosponsors, 228 Democrats and 4 Republicans: Reps. Van Drew (NJ-02), Baird (IN-04), Fitzpatrick (PA-01), Herrera Beutler (WA-03).
- **Science at the EPA**
 - **At a March 27, 2019 hearing on IRIS before the House Science:** “We have seen a disturbing trend at EPA lately where science is being sidelined. I’m extremely concerned by the actions that have suppressed information and kept results hidden from the general public.”
 - Also noted that he believed there is “*a disturbing level of political interference with IRIS.*”
- **SAFE**
 - Opposed to the Agency’s SAFE vehicles proposal, and co-chaired a House E&C joint-subcommittee hearing “*Driving in Reverse: The Administration’s Rollback of Fuel Economy and Clean Car Standards*” on June 20, 2019 to discuss the proposal—EPA provided then-AA Bill Wehrum to give testimony on the proposed rule.
 - Led an August 15, 2019 letter from 8 House Democrats asking 14 automakers to sign onto an agreement reached between California and four other major car companies to boost their average vehicle fuel efficiency to 50 miles per gallon by 2026.
- **“Once in Always In” Memo**
 - Signed an April 25, 2018 letter from Debbie Dingell (D-MI-12) and Don Beyer (D-VA-08) and 87 members that detailed: “*We are concerned regarding the health and environmental consequences of a January 25, 2018, EPA memo, which dramatically weakens protections against toxic air pollution by withdrawing the long standing “once in, always in” policy.*”
- **New Source Performance Standards for the Oil and Gas Industry**

- Joined a December 17, 2018 letter, led by Rep. DeGette opposing the proposed rule titled “Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration,” which argued that the proposal would harm public health and that increasing emissions would worsen climate change.
 - EPA responded on March 8, 2019 updating the Members on the proposed rule and adding their comments to the docket.
- **Enforcement**
 - Along with E&C Chairman Pallone and Oversight Subcommittee Chair DeGette have made EPA’s enforcement actions one of the Committee’s top priority as it relates to oversight.
 - EPA has offered multiple in-person briefings to the E&C Committee staff and has sent responsive letters on 2/25/19, 3/15/19, and 3/29/19.
- **Environmental Justice**
 - Co-chair of the Sustainable Energy and Environment Coalition, which consists of over 60 members of the House and was founded in January 2009 to be a focused, active, and effective coalition for advancing policies that address climate change, promote clean energy innovation and domestic manufacturing, develop renewable energy resources, create good green jobs, protect our nation’s clean air, water and natural environment, and promote EJ.
- **TSCA Implementation**
 - In a March 2019 Hearing titled: “Mismanaging Chemical Risks: EPA’s Failure to Protect Workers” Rep. Tonko stated “*EPA has chosen to ignore those tools, and has, in my view, failed to implement the law [TSCA] as Congress intended.*”
 - He expressed specific concerns over EPA’s handling of asbestos, PV-29, and methylene chloride.

QUESTIONS FROM 2019 BUDGET HEARING:

- **Science Transparency Rule**—Administrator Wheeler, in the past we have spoken about the strengthening transparency and regulatory science proposed rule, which was issued by your predecessor. Can you provide us an update on the status of that proposal?
 - When can we expect a better proposal that’s outlined for us?
 - **(Wheeler answered “before the end of this year”)**
 - STRS proposal gives Administrator authority to grant exemptions. “Do you have any thoughts as to how an administrator should go about granting exemptions if this proposal moves forward?”
- **TSCA**—Before your confirmation to this position, you sent a letter to Senator Carper where you committed to submit EPA’s systematic review method for TSCA risk evaluations of the National Academy of Sciences for review and to make public any feedback that the agency receives. What is the status of that National Academy review?
 - Will the academy have complete discretion on select, scope, and membership of the review team?
- **Glyphosate**—In 2017, the Office of Research and Development developed a review report for the office of pesticides programs on the epidemiology and health effects research regarding exposure to glyphosate. Why was the work not included in your public release of that research? And will you release it now?
- **IRIS**—The IRIS Handbook was ready for release in December of 2018. Will you publicly release the IRIS handbook now?
 - What is the status of the IRIS formaldehyde assessment? Will that work inform the risk evaluation process under TSCA?
 - Will the IRIS assessment be released for interagency review? And what are the plans for external scientific peer review?

- When can we expect the IRIS formaldehyde assessment to be released?

QUESTIONS FROM SEPTEMBER 19, 2019 HOUSE SCIENCE HEARING:

- **Scientific Integrity**—Can I expect your continued support for your agency’s robust scientific integrity policies?
- **Chlorpyrifos**—In rolling back EPA’s recommended ban on chlorpyrifos, did the Agency consider its own findings about the severe health and developmental consequences for children and workers exposed to this pesticide, sir? Yes or no?
 - EPA previously stated that the Agency’s assessment contained sufficient evidence to conclude that negative neurodevelopmental effects from chlorpyrifos occur at exposure levels below the currently permitted level. Are you aware of the – yes or no – findings in this report the EPA’s revised human health risk assessment?
 - Did EPA base its decision to allow industrial use of chlorpyrifos on new, unrevealed scientific evidence that contradicted or discredited the Agency’s 2015 analysis? Yes or no? Did this specifically includes the evidence of chlorpyrifos impairing the brain development of children and fetuses? Yes or no?
 - In 2017, your predecessor Scott Pruitt announced that EPA would delay the 2015 proposed ban on chlorpyrifos citing regulatory certainty for his industry as his reason. Mr. Wheeler, can you remind me of the stated mission of EPA? Is there anywhere the Federal Insecticide, Fungicide, Rodenticide Act. FIFRA, where regulatory certainty for industry is named as an evaluation criteria for EPA’s decision-making?



Energy and Commerce Full Committee Chairman Frank Pallone (D-NJ-06)

BIO: Chairman of the House Energy and Commerce Committee, Congressman Pallone (NJ-06) has served in the House of Representatives since 1988. Prior to being elected to Congress, he served in New Jersey's State Senate, where he represented Monmouth County. He began his political career in his hometown, Long Branch, New Jersey, where he served on the City Council.

NEW JERSEY'S 6TH DISTRICT: Includes New Brunswick and Asbury Park, which are two of its largest cities. The district includes much of the Atlantic coast.

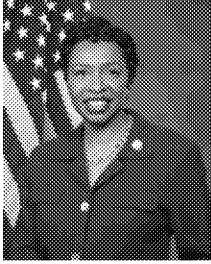
ISSUES OF CONCERN:

- **PFAS**
 - House E&C has been very engaged on PFAS.
 - On January 10, 2019, the House passed H.R. 535, the "PFAS Action Act of 2019," which directs the EPA to: regulate all PFAS chemicals as hazardous substances under CERCLA; establish an MCL for PFAS within two years; and would classify PFAS chemicals with one fully-fluorinated carbon atom as a hazardous air pollutant.
 - *"These toxic 'forever chemicals' are an urgent health threat, and due to EPA inaction, PFAS contamination has spread throughout our environment. While the Trump Administration appears comfortable dragging its feet, we are not. Impacted communities demand action, and passage of this comprehensive PFAS package brings them significantly closer to having the protections they need."*
- **Climate Leadership and Environmental Action for our Nation's (CLEAN) Future Act**
 - This draft (as of February) bill "would force dramatic changes in many sectors of the economy, from pushing utilities work toward 100 percent carbon-free electricity by 2050 to requiring the transportation sector to reduce emissions not just from cars but also from airliners."
 - The legislation also changes requirements for coal ash disposal, sets new superfund mandates, directs EPA to significantly reduce methane emission from oil and gas, force states to develop zero-emission plans, sets a "Clean Energy Standard" for zero-carbon emissions from utilities, and makes FERC take climate change into account, among others.
- **Transportation and Infrastructure – LIFT America Act**
 - As a Committee priority, introduced H.R. 2741, the "Leading Infrastructure for Tomorrow's America aka the LIFT Act," which includes Democratic proposals to reauthorize the Drinking Water State Revolving Fund (SRF) to increase funding, promote sustainable infrastructure, and improve financial and environmental management of water systems.
 - Also includes PFAS and Lead drinking water mitigation provisions in addition to energy efficient Infrastructure, grid security and modernization, brownfields redevelopment, broadband and healthcare infrastructure.
- **Climate Change, Hurricane Sandy, and Rising Sea Levels**
 - Noted up how climate change is linked to extreme weather and how New Jersey is especially vulnerable to rising sea levels and was hit hard by hurricane Sandy.
- **Superfund**
 - Made Superfund one of his priorities in Congress and frequently discusses its importance in the state of New Jersey, where roughly 50% of the population lives within 3 miles of a Superfund site, the largest percentage of any state in the nation.

- In the 114th and 115th Congress, introduced the “Superfund Polluters Pay” Act to reinstate the Superfund tax.
- **Enforcement**
 - Chairman Pallone, along with Oversight Subcommittee Chair DeGette and Environment Subcommittee Chairman Tonko have made EPA’s enforcement actions their number one priority as it relates to oversight, suggesting that EPA’s staff reductions have hindered EPA’s ability to properly conduct enforcement and that political reviews have deterred enforcement activities.
 - EPA has offered multiple in-person briefings and has sent responsive letters on 2/25/19, 3/15/19, and 3/29/19.
 - OECA AA Susan Bodine testified before the committee on 2/26/19, and in a video announcing the hearing, Pallone was critical of staffing levels and blamed lack of enforcement on the Trump Administration “diminishing” the number of staff people that do enforcement.”
- **Air Action Concerns**
 - Led a January 28, 2019 oversight letter with Tonko and DeGette arguing against, and requesting documents, related to EPA actions in five areas they cited as:
 - Weakening mercury and Air Toxics standards;
 - Undermining protections against toxic air pollution by withdrawing the longstanding ‘Once In Always In’ policy;
 - Undermining human health protections against harmful exhaust from certain freight trucks;
 - Undermining scientific integrity in reviewing and setting NAAQS under the Clean Air Act; and
 - Weakening and discrediting the role of science in Agency proceedings.
- **PFAS**
 - In a September 2018 PFAS hearing, he expressed support for New Jersey setting MCLs for PFOA at 14 ppt and PFNA at 13 ppt.
 - At the hearing he called for a “binding, enforceable, and strong drinking water standard.” And said that a drinking water standard of 70 ppt was too high.

QUESTIONS FROM 2019 BUDGET HEARING:

- **TSCA**—Will you commit to banning ongoing uses of asbestos under TSCA? Yes or no?
- **Methylene Chloride**—Will you commit to banning commercial uses of methylene chloride?
- **PFAS**—Will you commit to setting a strict MCL or drinking water standard for all the PFAS impacted drinking water in this country? And will you commit to ensuring that any MCL or drinking water standard that you set actually protects public health?
- **PV-29**—You’ve so far refused to share the scientific studies you used to exonerate a chemical many believed to be dangerous (PV29). Will you commit to sharing those data tables with this committee and with the American public? Do you follow what I’m asking you?
- **Chemours**—Will you commit to sharing an unredacted version of the Chemours Notice of Violation and report with this committee and the American public?



Congresswoman Yvette Clarke (D-NY-09)

BIO: Prior to being elected to the House of Representatives, Congresswoman Clarke served on the New York City Council and was an activist and community organizer. In Congress, she is the Co-Chair of the Black Women & Girls Caucus, which develops programs to support the aspirations of African American women of all ages and is the Chair of the Congressional Black Caucus' Immigration Task Force.

NEW YORK'S 9TH DISTRICT: Brooklyn.

ISSUES OF CONCERN:

- **Risk Management Plan**
 - Administrator Wheeler stated that EPA would be requiring third-party audits as part of this proposal to Representative Clarke during the 2019 budget hearing. However, this provision was not in the final proposed rule.
 - OCIR explained the intricacy of the RMP proposal and this issue to her office prior to announcement of the rule.
- **HFCs**
 - Original cosponsor of H.R. 763, the "Energy Innovation and Carbon Dividend Act of 2019," which imposes a carbon fee for oil, natural gas, and coal facilities that emit greenhouse gases.
 - HFCs are included in this bill's definition of greenhouse gases.
- **SAFE Vehicles – Opposed**
 - Joined multiple letters opposing the SAFE Vehicles rule including: Tonko letters requesting that EPA extend the comment period; and a September 12, 2018 Matsui letter opposing the proposed rule and supporting the California Waiver.
- **HR 585, "Bringing Reductions to Energy's Airborne Toxic Health Effects (BREATHE) Act"**
 - Author of H.R. 585, which requires the EPA to add hydrogen sulfide to the list of hazardous air pollutants, and amends the CAA to allow oil and gas exploration or production well emissions to be aggregated with other sources and regulated as a major source of toxic air pollutants.
- **ACE/CPP**
 - Supported the Obama Administration's CPP and has opposed the Agency's ACE rule.
- **Environmental Justice**
 - Engaged on EJ issues for years, previously hosted EJ roundtables, and asked about the EPA Environmental Justice Working Group
 - In a DATE House E&C hearing on EJ, asked OP DAA Helena Wooden-Aguilar if EPA agrees with GAO recommendations in the EJ Working Group. Ms. Wooden-Aguilar responded that EPA agreed with the spirit of both the [EJ] Executive Order and GAO's recommendations.

QUESTIONS FROM 2019 BUDGET HEARING:

- **RMP**—Will you commit to enforcing the RMP requirements as long as they are on the books? (Concern with RMP rollback)
 - Are you aware that the Deer Park Facility was cited for violations of the RMP Program in 2015? And some of those violations stemmed from a lack of proper prevention? Are you aware it also has extensive violations of the Clean Air Act and Clean Water Act?
 - Will you commit to strengthening the prevention requirements of the RMP Program?
 - Will you commit to finalizing an RMP rule that preserves the third-party audit requirements



Congressman Scott Peters (D-CA-52)

BIO: Scott earned his undergraduate degree from Duke University and worked as an economist for the EPA before attending New York University School of Law. After a 15-year career as an environmental lawyer, Scott was elected to the San Diego City Council, where he later became the City's first City Council President.

CALIFORNIA'S 52nd DISTRICT: Northern San Diego, Coronado, and Poway. Includes LaJolla.

ISSUES OF CONCERN:

- **United States-Mexico-Canada Agreement (USMCA)**
 - Supported and voted for the USMCA, and is particularly focused on the border provisions.
 - Statement upon passage: *"As a representative of San Diego and the Vice Chair of the New Democrat Coalition, I have fought for carefully negotiated trade agreements that can bring lasting economic prosperity. Thankfully, both Republicans and Democrats recognize we need this robust, lasting trade agreement and a bipartisan group of my colleagues supported the USMCA. The Speaker and House Democrats successfully negotiated strong environmental protections and labor standards that vastly improve upon standards set in NAFTA."*
- **HFCs**
 - Introduced H.R. 4143, the "Super Pollutants Act of 2019," which would establish a task force to transition off of hydrofluorocarbons (HFCs) and directs agencies like State, Commerce, and EPA to provide technical assistance to other nations as they work to transition away from HFCs. The bill also restores the Obama Administration's methane standards from 2016.
 - Original cosponsor of H.R. 763, the "Energy Innovation and Carbon Dividend Act of 2019," which imposes a carbon fee for oil, natural gas, and coal facilities that emit greenhouse gases.
 - HFCs are included in this bill's definition of greenhouse gases.
- **Opposes SAFE/ACE:**
 - Wrote an extremely critical op-ed on SAFE linking it to the existential threat of climate change, and has signed on to several letters to EPA opposing the SAFE proposal and advocating for the California waiver.
 - Cosponsor of Matsui Bill that would preserve Obama CAFE standards.
- **Methane**
 - In a September 12, 2018 press release re. EPA's Methane proposal: *"The Trump Administration's plan to relax regulations on a super pollutant that causes some of the most damage to our environment is particularly alarming as we continue to develop innovative solutions to keep our air clean.... In San Diego, we know methane capture technology can be expanded and used to reduce emissions.... Sadly, this latest move by the Trump Administration is a step backward."*
- **EJ Grants**
 - On November 5, 2019, Groundwork San Diego-Chollas Creek in San Diego, California in Rep. Peters' district was included in the latest round of EJ Grants.

QUESTIONS FROM 2019 BUDGET HEARING:

- **BWIP**—Why would you say the Border Water Infrastructure Program (BWIP) is no longer considered part of the effort to focus resources on core environmental work?
 - Are you going to do something specifically to make sure that border projects have dedicated funding from the SRF?



Congresswoman Nanette Diaz Barragan (D-CA-44)

BIO: Prior to joining Congress in 2016, she steered outreach efforts for African Americans in the Office of Public Liaison for the Clinton White House and worked for the National Association for the Advancement of Colored People (NAACP) focusing on racial health disparities and discrimination.

CALIFORNIA'S 44TH DISTRICT: South Los Angeles – includes Carson, Compton, Florence-Firestone, Lynwood, North Long Beach, Rancho Dominguez, San Pedro, South Gate, Walnut Park, Watts, Willowbrook and Wilmington and the Port of Los Angeles.

ISSUES OF CONCERN:

- **Dirty Water in California**

- Made claims to Administrator Wheeler in a previous House E&C hearing that California communities are drinking dirty water.
- EPA California Water Letter – *NY Times* article: *E.P.A. Bypassed Its West Coast Team as a Feud With California Escalated* (October 2019)
 - “The [two senior E.P.A.] officials said Mr. Wheeler’s interest arose from two main sources: Concerns that Representative Nanette D. Barragán, Democrat of California, expressed to Mr. Wheeler at a House Energy and Commerce Committee hearing in March about discolored tap water in Compton, Calif., and a National Public Radio segment in August detailing how a spiraling homeless crisis in San Francisco had led to streets strewn with needles and human feces.”
 - “Ms. Barragán accused the E.P.A. leadership of hypocrisy, since it has proposed to cut \$300 million from a fund used to help states pay for water projects. She said in a statement Mr. Wheeler “is using my legitimate inquiry to disingenuously and opportunistically rebuke California’s environmental efforts in his politically skewed letter.”

- **Chromium 6 in Compton Air**

- Following a July 2017 letter and calls to EPA, HHS, and the Governor of California over concerns about carcinogens in Compton’s air, Diaz Barragan released news of the South Coast Air Quality Management District (SCAQMD) revealing it spotted elevated levels of airborne hexavalent chromium.

- **Environmental Justice & Climate Change**

- Diaz Barragan serves as co-chair of the “United for Climate and Environmental Justice Task Force” (along w/ fellow E&C Member Rep. McEachin), and previously introduced a package of EJ bills to fight the impact of climate change on frontline communities.
- In a November 2019 House E&C hearing on EJ, she claimed this Administration has reduced total number of EJ grants going out.
 - It is unclear to EPA what her source is and funding has remained constant.

- **PFAS**

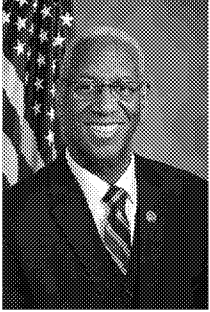
- Drafted an amendment to HR 535, the PFAS Action Act, which would have established a PFAS community water systems grants program to include prioritization for water systems whose populations are experiencing disproportionate environmental harms from pollution. The amendment was not made in order.

- **SAFE – Strongly opposed**

- Led August 2018 letter opposing SAFE, citing climate change and focusing on how it would disadvantage economic communities.
- **ACE – Opposed. Supports California Waiver.**
 - Co-led October 16, 2018 bipartisan letter with Huffman (D-CA-02) and Curbelo (R-FL-27) supporting California waiver and opposing it being revoked.
 - Cosponsor of Matsui Bill that would preserve Obama CAFE standards.
- **Brownfields**
 - In May 2019, the National Council for Community Development in Los Angeles County, California received a \$600,000 Assessment Grant (\$300,000 for hazardous substances, \$300,000 for petroleum).

QUESTIONS FROM 2019 BUDGET HEARING:

- **Drinking Water Infrastructure**—My understanding's that EPA's requesting approximately \$300 million less than the FY2019 amounts enacted, is that correct?
- **Brown Water**—Have you ever gone to a community and been served brown water to drink? Have you drunk that brown water? Is there a reason why you haven't drunk that brown water?
 - Do you know that brown water in some communities is deemed to be safe, yet it's still brown? Children are afraid to drink water. Have you heard of these reports?
- **Air Pollution**—What are you doing to help communities by reducing air pollution from locomotives and other rail facilities? What are you doing on the rail program? Will you commit to bringing EPA's regulatory power and ability to drive market incentives to bear to move the rail industry towards zero emissions technologies?



Congressman Donald McEachin (D-VA-04)

BIO: Rep. McEachin is the son of an Army veteran and a public-school teacher. Prior to joining Congress in 2017, Rep. McEachin served as a legislator in both chambers of Virginia's General Assembly. Rep. McEachin graduated from American University with a degree in Political Science and from the University of Virginia School of Law. In May of 2008, he received his Master of Divinity from The Samuel DeWitt Proctor School of Theology at Virginia Union University.

VIRGINIA'S 4TH DISTRICT: Taking in most of the area between Richmond and Hampton Roads, it covers all or part of the counties of Charles City, Chesterfield, Dinwiddie, Greensville, Henrico, Prince George, Southampton, Surry, and Sussex, and all or part of the independent cities of Chesapeake, Colonial Heights, Emporia, Hopewell, Petersburg, Richmond and Suffolk.

ISSUES OF CONCERN:

- **Environmental Justice**
 - McEachin serves as co-chair of the "United for Climate and Environmental Justice Task Force" (along with fellow E&C Member Rep. Diaz Barragan).
- **SAFE – Opposed**
 - Cosponsor of Matsui Bill that would preserve Obama CAFE standards.
 - Co-leader of Barragan Anti-Safe Letter, among others
- **Supports "Green Collar Jobs" Initiative**
 - Nationwide program for green energy related jobs.
- **Chesapeake Bay**
 - Supports increased funding for the Chesapeake Bay.

QUESTIONS FROM 2019 BUDGET HEARING:

- Rep. McEachin did not attend the 2019 Budget Hearing



Congresswoman Lisa Blunt Rochester (D-DE-At Large)

BIO: Congresswoman Blunt Rochester is the Assistant Whip for the House Democratic Caucus and holds degrees from Farleigh Dickinson University and the University of Delaware. She has extensive experience in government prior to her time in the House, including serving in two Governor's cabinets.

ABOUT THE STATE: Delaware is home to many national parks, beaches, and wildlife. With many popular beach destinations, environmental protection is an important issue for many of her constituents.

ISSUES OF CONCERN:

- **Chemical Facility Safety and the Risk Management Plan**
 - Led a November 2019 letter to Administrator Wheeler *“concerning the agency’s plans to undermine the Chemical Disaster Rule which includes existing safety regulations for chemical facilities, their workers, and surrounding communities.”*
 - *“Protecting our communities, our health, and the environment is one of the most fundamental and important roles of the EPA. This administration continues to abdicate any responsibility to protect our health with its latest roll back of the Chemical Disaster Rule. By rolling back these commonsense protections, the Trump administration is putting workers, first responders, and our communities in harm’s way of chemical disasters.”*
- **Safe Drinking Water Assistance Act**
 - Introduced H.R. 5361, the “Safe Drinking Water Assistance Act,” along with Rep. Cathy McMorris Rodgers (R-WA-05), which claims will “strengthen federal and state efforts to improve the safety of our nation’s drinking water system.”
 - The bill creates a national strategy to coordinate the federal response to and scientific research on emerging contaminants and provide assistance to states, requires EPA to analyze emerging contaminants, and establish and maintain a comprehensive database of resources available to assist states and water stakeholders with testing for emerging contaminants.
- **SAFE Vehicles Proposal**
 - Cosponsor of Matsui Bill that would preserve Obama CAFE standards, and signed multiple anti-SAFE letters.
- **Strong supporter of Clean Power Plan**
 - *“I stand in firm opposition to repealing the Clean Power Plan, which was an important step our country took in combating climate change by reducing carbon pollution from power plants.”*
- **Climate Adaptation – concerned with rising sea levels.**
- **Brownfields**
 - In May 2019, Wilmington, DE received a \$300,000 Assessment Grant (\$199,900 for hazardous substances, \$100,100 for petroleum).

QUESTIONS FROM 2019 BUDGET HEARING:

- **Drinking Water**—You specifically cited the administration’s commitment to expanding access to safe drinking water and protecting Americans living near hazardous sites from health risks. Do you stand by that commitment?
 - Do you believe that the Agency’s actions under your leadership along with this budget proposal reflect that commitment?

- Isn't it true that the purpose of that program is to support drinking water projects and activities in small and disadvantaged communities that are unable to finance projects to comply with regulations under SDWA?
 - It's my understanding that this money had already been appropriated before. Can you give me the rationale? Is there a study or something that shows why you made this decision?
 - I was aware that \$45 million had been appropriated for this program, correct?
 - Does that mean it's not going to be specifically targeted towards small and disadvantaged communities?
 - Do we have a commitment that at least \$45 million will be targeted to small and disadvantaged communities?
- **Disadvantaged Communities**—Is it true that your FY20 budget proposes to eliminate the Safe Border for Small and Disadvantaged Communities Program?
- Do I have a commitment that dollars will go towards small, rural, and disadvantaged communities?



Congressman Darren Soto (D-FL-09)

BIO: Congressman Soto was first elected to the House of Representatives in 2016. At age 29, he was elected to the Florida State House of Representatives. He studied at Rutgers University and George Washington University School of Law.

FLORIDA'S 9TH DISTRICT: Located in central Florida, the district includes the Everglades and the Kennedy Space Center, which makes environmental protection and chemical pollution prevention a priority for his constituents.

ISSUES OF CONCERN:

- **PFAS**
 - Introduced H.R. 2566, which would require the EPA Administrator to revise the Safer Choice Standard to provide for a Safer Choice label for pots, pans, and cooking utensils that do not contain PFAS, and requires a revision of the Safer Choice Standard to provide a Safer Choice label for pots, pans, and cooking utensils that do not contain PFAS.
 - This bill passed as part of H.R. 535, the “PFAS Action Act,” which passed the House on January 10, 2020.
 - ***EPA provided TA on this bill to House E&C.**
- **Opposes SAFE**
 - Cosponsor of Matsui Bill that would preserve Obama CAFE standards.
- **MATS**
 - Vocal during E&C MATS hearing on May 23, 2019—pointed out that EPA Administrator Wheeler was “kowtowing to an industry that isn’t even asking to be kowtowed to!”
 - *“It’s dumbfounding that we are here to talk about rolling back standards that protect our children from mercury when the industry isn’t even asking for it.”*
- **Supports Everglades and National Estuary Program Funding**
- **Emergency Response in Florida**
 - Following Hurricanes Irma and Maria, in a September 2017 op-ed, Soto was critical of proposed EPA budget cuts, specifically to disaster related efforts.
- **Climate Legislation**
 - Member of the “Sustainable Energy and Environment Coalition,” and said Democrats should be careful about acting too aggressively on mitigating climate change, noting the failure of Democrats to pass major climate change legislation the last time they controlled the chamber.
 - *“We all remember the cap-and-trade vote that helped prevent Democrats from keeping the majority. We know the history of it. That’s why we have a responsibility to find areas of compromise with Republicans without a big bold bill. It doesn’t have to be all or nothing.”*
- **Coal Ash in Osceola County**
 - Osceola County recently decided to import 650 million pounds of coal ash from Puerto Rico. While this decision will bring revenue in, it has been met with a great deal of opposition from environmental groups. Rep. Soto has raised this issue repeatedly at House E&C hearings.

QUESTIONS FROM 2019 BUDGET HEARING:

- **Climate Change**—Administrator Wheeler, is climate change real? And is it caused by human activity? Is fossil fuels and other carbon emissions part of that human activity causing climate change?

- Do you agree with the NOAA assessment on November 23, 2018 of what could happen based upon climate change in that NOAA report?
- According to researchers at UF, it is not clear if the ecosystem services provided by Lake Okeechobee can be protected of climate change in future decades includes both increased temperatures and less rainfall. Do you agree with those scientific assessments?
- **Enforcement**—Can you give us an idea of the number of enforcement cases brought in 2016 versus '17 and '18, and what you're looking like this year as far as cases brought?
 - So there's been an uptick in criminal and audits, but a downtick overall with the civil case, is that fair to say?
- **HABs**—Does the EPA generally agree that warming seas could exacerbate algae blooms?
 - Would a reduction in emissions help combat climate change and potentially fix this potential damage in the future?



Oversight and Investigations Subcommittee Chair Diana DeGette (D-CO-01)

BIO: Congresswoman DeGette serves as the Chief Deputy Whip of the House Democratic Caucus. She has served in the House of Representatives since 1995 and has been a member of the House Energy and Commerce Committee every year.

COLORADO'S 1ST DISTRICT: Colorado's 1st District includes its capital city, Denver. *Areas surrounding Denver are prone to pollution and runoff.*

ISSUES OF CONCERN:

- **Environmental Justice**
 - Sent 100 QFRs on Environmental Justice as part of the Administrators 2019 budget hearing.
 - OCIR/OP has held multiple staff briefings for Committee staff on EJ.
- **MATS**
 - Led letter calling EPA to withdraw proposed rule, and held an E&C Oversight hearing on the MATS rule, where she scolded EPA for not showing.
 - Frequently discusses compliance.
- **Enforcement/Oversight**
 - Along with Chairman Pallone and Environment Subcommittee Chair Tonko made EPA's enforcement actions a priority as it relates to oversight, and have sent multiple letters on the state of EPA's enforcement.
 - Suggested that EPA staff reductions have hindered EPA's ability to properly conduct enforcement and that political reviews have deterred enforcement activities.
- **Strongly Opposes SAFE/ACE/Methane**
 - Signed letters on each issue and Cosponsor of Matsui Bill to preserve Obama CAFE standards.
- **New Source Performance Standards for the Oil and Gas Industry**
 - Led a letter on December 17, 2018 opposing the proposed rule titled "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration."
 - Argued that the proposal would harm public health and that increasing emissions would worsen climate change.
 - EPA responded on March 8, 2019 updating the members on the proposed rule and adding their comments to the docket.
- **Hydraulic Fracturing**
 - Introduced HR 4014, the Fracturing Responsibility and Awareness of Chemicals (FRAC) Act of 2019. This bill provides EPA authority to regulate fracking and requires racking companies to publicly disclose the chemicals they are pumping into the ground.
- **EJ Grants**
 - 4 organizations in DeGette's district were a part of the EJ Grants announced on November 5th, 2019.
 - Groundwork Denver in Denver, Colorado; Environmental Learning for Kids in Denver, Colorado; Yampa Valley Sustainability Council in Moffat County, Colorado; Lincoln Hills Cares in Denver, Colorado
- **Environmental Job Training Grants**
 - Colorado Department of Local Affairs in Denver, Colorado was a recipient of the Environmental and Job Training Grants announced on October 24, 2019.

QUESTIONS FROM 2019 BUDGET HEARING:

- **EJ**—Are you familiar with the EPA’s EJ2020 Action Agenda which is on the EPA’s website? Has the current administration adopted this action agenda? You don’t know whether you’ve adopted it?
 - Are you familiar with the provision of the action agenda that asks EPA to identify “100 of the most overburdened communities where data indicate that facilities present a high likelihood of serious non-compliance issues impacting those communities and address violations if found?”
 - Do you know if the EPA has identified the 100 most overburdened communities?
When do you think you will have that done?
 - Does the administration see this as urgent?
- **MATS**—Do you know how many electric generating facilities nationwide have installed pollution controls to limit mercury emissions under the current mercury rule?
 - How many facilities requested an extension for complying with federal mercury standards?
You’re not aware of any that have requested an extension?
- **Oversight**—Do I have a commitment from you that we’re going to get responsive documents to the requests that we’re making?



Consumer Protection and Commerce Chairwoman Janice Schakowsky (D-IL-09)

BIO: Congresswoman Schakowsky chairs the Consumer Protection and Commerce Subcommittee. She graduated from the University of Illinois with a Bachelor of Science in Elementary Education. From 1990 to 1998, she served in the Illinois General Assembly. She is the Chief Deputy Whip for the House Democratic Caucus and is a member of the House Democratic Steering and Policy Committee.

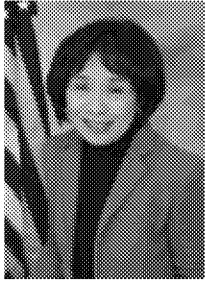
ILLINOIS 9TH DISTRICT: The district includes the northern suburbs of Chicago and the coast of Lake Michigan. Recent studies have shown that automobiles and airplanes emissions have surpassed coal as the number one source of air pollution in the state.

ISSUES OF CONCERN:

- **HFCs**
 - Original cosponsor of H.R. 763, the “Energy Innovation and Carbon Dividend Act of 2019,” which imposes a carbon fee for oil, natural gas, and coal facilities that emit greenhouse gases.
 - HFCs are included in this bill’s definition of greenhouse gases.
- **SAFE – Opposed**
 - Co-led letters opposing rule with Tonko, and cosponsor of Matsui Bill that would preserve Obama CAFE standards.
 - Following the Agency’s proposal to revisit the Obama Administration’s CAFE proposal, Schakowsky stated “*The EPA followed a thorough, open process to develop these standards. Reconsidering the final determination would be a step backward for consumers, for public health, and for our environment, and it would create needless uncertainty for the auto industry. I urge Administrator Pruitt to let January’s determination stand.*”
- **Opposes ACE**
- **Shutdown**
 - Invited an R5 employee impacted by the partial government shutdown to attend 2019 State of the Union speech before Congress—Frank Lagunas, R5 (Chicago) Remedial Project Manager.
 - “*I want to show President Trump how his hostage-taking of American workers has a continuing impact on the lives of every day citizens, especially those who are dedicated to the public good.*”

QUESTIONS FROM 2019 BUDGET HEARING:

- Rep. Schakowsky did not attend the 2019 Budget Hearing



Congresswoman Doris Matsui (D-CA-06)

BIO: Before coming to Congress, Doris Matsui served as Chairwoman on the Board for the KVIE public television station in Sacramento. During President Clinton's first term in office, she served as one of eight members of the President's transition board. She later served for six years as Deputy Assistant to the President in the White House Office of Public Liaison. She attended the University of California at Berkley.

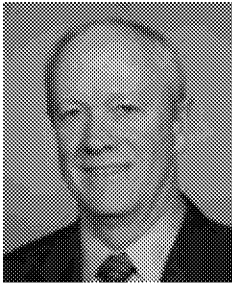
CALIFORNIA'S 6TH DISTRICT: Cover's Sacramento, the capital of California and sits at the confluence of the American and Sacramento Rivers. *The Sacramento area has one of the highest flood risks in the country.* She is very active in water policy.

ISSUES OF CONCERN:

- **SAFE/CAFE Vehicles Bill Author**
 - Introduced H.R 978 the "Clean and Efficient Cars Act of 2019," which with 60 cosponsors would require EPA and NHSTA to set fuel economy standards for MY 2021 through 2025 that are "at least as stringent as the... 2012 joint EPA/DOT Final Rule on 2017 and Later MY Light-Duty Vehicle GHG Emissions and Corporate Average Fuel Economy Standards.
 - Along with Matsui, fellow Environment subcommittee members were initial co-sponsors on the legislation: Paul Tonko; Dianne DeGette; Janice Schakowsky; Jerry McNerney; Yvette Clarke, Raul Ruiz; Scott Peters; Nanette Barragan; Darren Soto; and, Lisa Blunt Rochester.
- **Diesel Emission Reduction Act (DERA) of 2019**
 - Introduced the House version of the bipartisan H.R. 1768 "Diesel Emission Reduction Act of 2019," which reauthorizes DERA for 5 more years, through FY 2024.
 - The Senate version of this bill passed Senate EPW on April 10, 2019.
- **Formaldehyde Ban from Composite Wood Products**
 - Author of the bill banning Formaldehyde from composite wood products that was signed into law in 2010, and her office consistently makes inquiries about its implementation.

QUESTIONS FROM 2019 BUDGET HEARING:

- **SAFE**—Have you completed the CAFÉ rulemaking? Is a final rule ready for publication?
 - Why did you tell the Washington Examiner last month that you have already decided to revoke California's waiver?
 - Are you not bound by administrative law to consider all evidence and comments submitted before making a final decision? What did you propose to California?
- **SAFE**—You said that the SAFE rule would create the same emissions as the Obama standards. EPA's draft EIS for the proposed SAFE rule would increase carbon pollution by 3.8 billion tons through 2050. Either you're wrong or your staff that drafted the EIS are wrong. Which is it?



Congressman Jerry McNerney (D-CA-09)

BIO: McNerney has Ph.D. in mathematics and served several years as an engineering contractor to Sandia National Laboratories (Nuclear Weapons lab) in New Mexico. Prior to his election to Congress, he formed a start-up company to manufacture wind turbines. During his career in wind energy, McNerney's work "contributed to saving the equivalent of approximately 30 million barrels of oil, or 8.3 million tons of carbon dioxide."

CALIFORNIA'S 9TH DISTRICT: Includes the city of Stockton and the northern part of the Sacramento-San Joaquin Delta, one of the most fertile parts of the Central Valley.

ISSUES OF CONCERN:

- **SAFE**
 - Rep. McNerney opposes SAFE and supports the California Waiver.
 - Cosponsor of Matsui Bill that would preserve Obama CAFE standards.
- **Opposes "Strengthening Transparency in Regulatory Science"**
 - *"The Trump administration's crusade against science is reminiscent of other battles in the war on science, like when big tobacco tried to raise doubts that its products are addictive and harmful."*
- **Climate Change**
 - Introduced H.R. ##, the "Atmospheric Climate Intervention Research Act," which authorizes NOAA to advance research on atmospheric climate intervention.
 - Rep. McNerney frequently discusses his concerns about climate change—at a House E&C climate hearing in February 2019: *"I would like to observe how reasonable the Republicans sound today on the issue of climate change. There must have been a conversion on the road to Damascus recently."*
- **ACE/CPP**
 - Rep. McNerney opposes the repeal of CPP.
 - *"While the Clean Power Plan carved out a national agenda to reduce carbon emissions and encourage the use of clean energy sources, this new proposal passes the buck off to the individual states. It would give them broad authority to increase emissions in exchange for minor efficiency improvements, and it contains loopholes big enough to drive a diesel-powered tractor trailer straight through."*
- **Restore the Delta**
 - In September 2018, Restore the Delta issued a new EJ report in Stockton California.
 - McNerney commented: *"This report highlights critical deficiencies in the Bay Delta Plan. Restore the Delta rightly notes that the plan offers an inadequate framework while simultaneously dissociating the project from the WaterFix tunnels – despite the clear relationship. There is also a significant lack of information regarding the impact of this plan. Among many things left unaddressed are answers to important questions concerning the proposal's weakening of salinity objectives and its repercussions on the Delta, as well as how that could affect the local economy."*

QUESTIONS FROM 2019 BUDGET HEARING:

- **Cooperative Federalism**—How can EPA tout cooperative federalism and simultaneously undermine these principles by not providing nearly enough resources for states to conduct their own air quality program?
- **PFAS**—Will you commit to fully funding the Office of Research and Development, air emissions testing, and methods for development of PFAS? Will you make that commitment?
 - Will you commit to using the research of the National Institute of Environmental Health Sciences has done on PFAS chemicals and ensuring that the regulatory actions you take are consistent to address the hazards the Agency has identified?
 - Will you commit to ensuring that all regulatory actions you take on PFAS are sufficient to address the hazards that ATSDR has identified?
- **Budget**—You say you're doing more than ever before but propose 35-40 percent cuts. How can that be consistent?

QUESTIONS FROM SEPTEMBER 19, 2019 HOUSE SCIENCE HEARING:

- **SAB**—Do you support the role and expertise of the SAB can provide to assess underlying science backing regulatory actions?
 - Yes or no, will you commit to cooperating with the SAB's review of the proposed rule to revoke the California's vehicle emissions standards? So, in other words, you're not going to be cooperating with the SAB's review of the proposed rule?
 - Will you commit to not finalizing the proposed rule until the SAB has had time to review – to complete its review?



Congressman Raul Ruiz (D-CA-36)

BIO: Representative Raul Ruiz, M.D., grew up in the community of Coachella, California. He earned his Medical Degree at Harvard and worked as an Emergency Room Doctor until he was elected to the U.S. House of Representatives in 2012.

CALIFORNIA'S 36TH DISTRICT: Large area east of Los Angeles that stretches across the state all the way to the Arizona border. Includes Hemet and Palm Desert and the Joshua Tree National Park, which the National Park Service uses to monitor changes to desert climate. *Joshua Tree National Park is prone to flash flooding.* The dry/dusty/desert climate makes asthma and clean air a huge issue in CA-36.

ISSUES OF CONCERN:

- **WIFIA Loan to Coachella, CA**
 - On February 7, 2020, EPA announced a \$59 million WIFIA loan to the Coachella Valley Water District in California to help finance stormwater channel improvements that will better manage heavy rains to protect the communities' surface waters and public health.
 - *"Last year's Valentine's Day flood showed the danger and devastation that heavy rains and flooding can cause to our communities,"* said Congressman Raul Ruiz, M.D. *"This loan will go a long way to help manage floods, save property, and protect public health."*
- **Clean Air**
 - Concerned about Particulate Matter, Dr. Ruiz frequently discusses asthma as a result of air quality in California.
 - *"As an Emergency Room doctor, I know the dangers that the dying [Salton] Sea poses to our local communities, especially our young children. Pediatric asthma rates in our region are already among some of the highest in the nation, due in large part to the dust beds that form as the Salton Sea continues to dry up."*
- **SAFE – opposes, supports California Waiver**
 - Cosponsor of Matsui Bill that would preserve Obama CAFE standards.
- **Environmental Justice Act of 2019**
 - Sponsored the House version of this bill (Senator Booker has the Senate companion) to codify and expand the 1994 E.O. on EJ as well as codify the NEJAC and expand environmental justice grants.
- **Opposes the "Strengthening Transparency in Regulatory Science"**
 - At a House E&C hearing with former-Administrator Pruitt, when discussing the proposed Science Transparency regulations, Ruiz stated: *"You are making lives more difficult for everyday American families. This is disgraceful. The American people deserve better."*

QUESTIONS FROM 2019 BUDGET HEARING:

- **PM**—Do you agree that fine particle pollution is a non-threshold pollutant?
 - Will the EPA officially acknowledge that the presence of fine particulate matter at any threshold is a public health hazard?
 - Will you commit to working with CBP to study the potential hazards of exposure to the New River, including conducting an epidemiological study to ensure that our public safety officers and their families are protected? Will you provide me an answer by June 1?



Debbie Dingell (D-MI-12)

BIO: Before coming to Congress, Congresswoman Dingell served as a senior executive of the General Motors (GM) Corporation. Additionally, she has been heavily involved in many programs that focus on women and children's health, having served as a board member at the NIH Panel for Women's Research and the Susan G. Komen Foundation. Michigan's 12th District includes the city of Ann Arbor, home of the University of Michigan.

MICHIGAN'S 12TH DISTRICT: Michigan's 12th District is southwest of Detroit and includes the city of Ann Arbor, home of the University of Michigan.

ISSUES OF CONCERN:

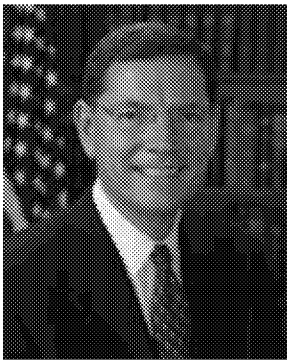
- **PFAS**
 - Leading voice of concern for PFAS contamination.
 - Sponsor of H.R. 535, the "PFAS Action Act of 2019," which directs the EPA to: regulate all PFAS chemicals as hazardous substances under CERCLA; establish an MCL for PFAS within two years; and would classify PFAS chemicals with one fully-fluorinated carbon atom as a hazardous air pollutant (HAP).
 - Statement on the House floor during consideration of H.R. 535: *"In my district, PFAS is in the water in the Huron River, and we can't eat the fish. I was at a townhall meeting and a man got up--he was older--and said to me: I used to eat that fish. I relied on it. When will I be able to eat it again? I didn't want to say this to him, but the fact of the matter is probably not in his lifetime. Most of these sites are not being cleaned up. And the number of sites is expected to grow across the country as more States do the testing they need to do to protect their citizens, to find PFAS. But the most troubling thing is that the manufacturing companies know the danger of PFAS and even tracked it in the blood of their employees, while the EPA has completely abandoned its responsibility to act swiftly and comprehensively. And our military is saying they don't have to clean it up. Why? Because it is not listed under CERCLA and because they are not required to do so."*
- **Represents Ann Arbor National Vehicle and Fuel Emissions Lab**
- **Madison Heights I-696 "Green Ooze": Electro Plating Services Chromium Contamination**
 - Rep. Dingell was not pleased with how the state communicated risk on this site. She has been involved in questioning the state's response. However, Rep. Andy Levin (D-MI-09) has been the main lead on this issue.
 - On February 3, 2020, Region 5 participated in a town hall on this spill focused on the state's response. Attendees included Rep. Levin, the city of Madison Heights, Michigan Department of Environment, Great Lakes, and Energy (EGLE), and the Michigan Department of Health and Human Services.
- **Anti-SAFE, pro One National Standard**
- **Led letter against "Once in Always In" Memo.**
 - Signed a April 25, 2018 letter with Don Beyer (D-VA-08) and 87 members, which states: *"We are concerned regarding the health and environmental consequences of a January 25, 2018, EPA memo, which dramatically weakens protections against toxic air pollution by withdrawing the long standing "once in, always in" policy."*
- **Fuel Efficiency and Vehicle Emissions bill**

- Introduced H.R. 2170, the “Vehicle Innovation Act of 2019,” which would give the Department of energy total control of vehicle technology programs and seeks to curb vehicle emissions and increase research on electric vehicles.
- **Marathon Petroleum Detroit – Flare Issue**
 - On February 2, 2019, DEQ Pollution Emergency Alerting System (PEAS) was notified of strong odors in Southwest Detroit. DEQ dispatched staff to investigate the source and traced it to the coke-flare system at the Marathon refinery. EPA coordinated with DEQ, City of Detroit, and Marathon officials to monitor air levels and the progress of flare isolation. The 24-hr air monitoring found no elevated chemicals in the air. On February 8, EPA was notified the flare had been isolated and a blind, sealing the flare off, had been installed.
 - EPA and the state DEQ have kept Rep. Dingell up to date on the issue and EPA is continuing to coordinate with state and local agencies to review the data and procedure.
- **Brownfields**
 - In May 2019, the Wayne County Brownfield Redevelopment Authority in her district received a \$600,000 Assessment Grant (\$450,000 for hazardous substances, \$150,000 for petroleum).

QUESTIONS FROM 2019 BUDGET HEARING:

- **SAFE**—Can we go to the table (with California) and get one national standard that’ll keep a strong, competitive auto industry? Will you commit to going back to the table? Who are you helping by taking away California’s waiver?
 - Also asked about the threat of closing the Ann Arbor lab.

Senate Environment and Public Works Committee Majority Members



Chairman John Barrasso (R-Wyoming)

BIO: Chairman Barrasso has served in the U.S. Senate since 2007. In addition to his leadership as Chairman of the Senate Committee on Environment and Public Works, he is also the Chairman of the Senate Republican Conference. He previously served for four years in the Wyoming State Senate. Prior to his career in public service, he spent 24 years as an orthopedic surgeon, and was named Wyoming Physician of the Year. In the Senate, he also serves on the Committee on Energy and Natural Resources, the Committee on Indian Affairs, and the Committee on Foreign Relations.

ISSUES OF CONCERN

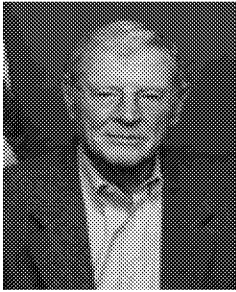
- **ACE Rule**
 - Supports the finalized ACE Rule and the repeal of the Clean Power Plan.
- **RFS**
 - Opposes year-round sale of E15.
 - Supports relief to small refineries and opposes re-allocation of the annual renewable volume obligation of small refineries to other refineries after setting the volume obligations.
 - Anti-backsliding Analysis: In a letter, he indicated EPA ignored the will of Congress and CAA requirements by not completing the air quality impacts study. He asked that EPA complete the study by September 30, 2018. EPA responded that his requested deadline will not be met, but the Agency will accelerate the previously indicated completion date of September 2024.
- **Methane**
 - Supports EPA's updated methane standards for the oil and gas industry.
- **WOTUS**
 - Supports EPA's recently finalized Navigable Waters Protection Rule.
- **Steam Electric ELG**
 - Concerned about regulatory burden on electric power plants.
 - Current Status: Proposed changes to this rule were released in November 2019 with a 60-day public comment period.
- **CWA Section 401**
 - Supports EPA's efforts to modernize Section 401 of the Clean Water Act.
- **USE IT Act**
 - Sponsored the USE IT Act, which would support carbon utilization and direct air capture research. EPA provided technical assistance on this legislation, which passed out of SEPW in April 2019.
 - The House Energy and Commerce Committee held a hearing on the USE IT Act House companion bill in early February 2020.
- **PFAS**
 - Opposed legislative efforts that would have designated PFAS as hazardous substances under CERCLA and required the EPA to set an MCL for PFAS, both partly due to strict timelines set forth in the proposed legislative language.
- **Class VI Wells**
 - Supports EPA granting primacy to Wyoming for the permitting of Class VI wells, which are used for the geologic sequestration of CO₂.
 - Current Status: EPA Region 8 is working with Wyoming and expects to propose granting primacy to Wyoming later this spring.

AW ENGAGEMENTS

- **July 10, 2018: Introductory Call**
 - AW called Chairman Barrasso to introduce himself as Acting Administrator and stated he looked forward to testifying to EPW soon.
 - Also committed to travel to Wyoming for a visit with the Chairman.
- **August 1, 2018: Testified before EPW**
 - AW testified to EPW led by Chairman Barrasso on latest priorities of the Agency, fulfilling his promise to testify to EPW as first committee since becoming Acting Administrator.
- **August 22, 2018: Congratulatory Call**
 - AW called Chairman Barrasso to congratulate him on his primary election victory.
 - Chairman Barrasso asked about status of Uranium Part 192 rulemaking.
 - AW stated it would be completed soon and was the following month (September 2018) as OAR proposed withdrawal of Part 192 Rule.
- **December 19, 2019: 2020 RVOs**
 - Administrator Wheeler and Chairman Barrasso spoke over the phone to discuss the 2020 RVOs with the Renewable Fuel Standard.

QUESTIONS FROM CONFIRMATION HEARING

- **Shutdown** - What is EPA doing to carry out its core missions during the government shutdown?
- **SREs** - Do you agree the EPA doesn't have the authority to limit when small refineries can apply for that hardship relief?
 - Do you agree the EPA doesn't have the authority to delay decisions on small refinery petitions beyond the 90 days?
- **GHGs** - What role does the EPA play in supporting innovations that would reduce greenhouse gas emissions?



Senator Jim Inhofe (R-Oklahoma)

BIO: Senator Inhofe has served in the U.S. Senate since 1984. Prior to being elected to the United States Senate, he spent 7 years representing Oklahoma's 1st District in the House of Representatives. He served as Chairman of the Senate Committee on Environment and Public Works from 2003-2007 and 2015-2017. He currently serves as Chairman of the Armed Services Committee.

ISSUES OF CONCERN

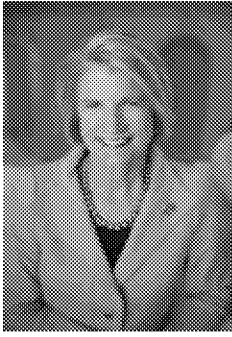
- **ACE Rule**
 - Supports the finalized ACE Rule and the repeal of the Clean Power Plan.
- **RFS**
 - Opposed to allowing year-round sales of E15, saying it goes against EPA's long-standing interpretation, as well as plain reading of the CAA.
 - Opposes retroactive reallocation of compliance obligations from small refineries.
- **Tar Creek Superfund Site**
 - Sen. Inhofe's staff has worked closely with our partners to ensure we are collaboratively working with state and tribal partners.
 - Tar Creek was placed on the Administrator's Emphasis List in 2017.
 - Completed remediation of 3,000 residential properties, relocated four communities, removed over 4 million tons of mine waste, and plugged over 50 abandoned wells to prevent further groundwater contamination.
 - Our actions have resulted in children with elevated blood lead levels in the County dropped from 35% 20 years ago to 4% today.
- **SAFE Rule**
 - Supports EPA's SAFE Rule and the goal of reaching One National Standard.
- **Wood Heaters**
 - Supports an extension of the sell through period for wood heaters by two years into 2022.
 - Current status of EPA rulemaking: EPA has sent a final rule to OMB for interagency review.

AW ENGAGEMENTS

No official calls or meetings since confirmation process for Deputy Administrator.

QUESTIONS FROM CONFIRMATION HEARING

- **ACE** - Can you address the mischaracterizations of the proposed ACE Rule?
- **WOTUS** - What work is EPA doing on the WOTUS Rule?
- **RFS** - Will any RFS reset rulemaking be based on market realities including the increased demand for zero, for E0 that the market is seeing today?



Senator Shelley Moore Capito (R-West Virginia)

BIO: Senator Capito has served in the U.S. Senate since 2015 as the first female Senator from the state of West Virginia. Prior to her historic election to the Senate, she represented West Virginia's 2nd Congressional District for 14 years in the House of Representatives and served in the West Virginia House of Delegates. In addition to serving on the Committee on Environment and Public Works, she is a member of the Committee on Appropriations, the Committee on Rules and Administration, and the Committee on Commerce, Science, and Transportation.

ISSUES OF CONCERN

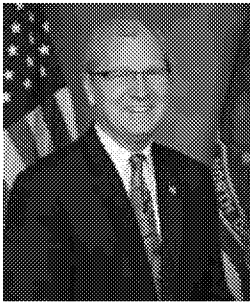
- **PFAS**
 - Concerned about PFAS contamination at the Chemours Washington Works facility.
 - Sponsored or cosponsored various pieces of legislation on PFAS including ones requiring EPA to set an MCL under the SDWA and designate PFAS as hazardous substances under CERCLA.
 - Current Status: EPA has sent a proposed regulatory determination under SDWA for PFAS to OMB for interagency review.
- **RFS**
 - Supports small refinery exemptions, especially for the Ergon, WV facility.
 - Opposes higher RVO's.
- **Aluminum criteria**
 - Concerned about impact on coal mining of the proposed EPA water quality standard revisions to West Virginia aluminum criteria.
 - Current Status: EPA is working closely with the state and hopes to have a path forward soon.
- **ACE Rule**
 - Supports the finalized ACE Rule and the repeal of the Clean Power Plan.
- **Wood Heaters**
 - Supports an extension of the sell through period for wood heaters by two years into 2022.
 - Current Status: EPA has sent a final rule to OMB for interagency review.
- **Permit as a Shield/Conductivity Criteria**
 - EPA is considering public comments on West Virginia's NPDES permit-as-a-shield program revisions and will determine next steps. The public comment period closed October 17.

AW ENGAGEMENTS

- **September 27, 2019: Meeting with Senator Capito**
 - Sen. Capito wanted to discuss the ACE Rule and Permit as a Shield Conductivity Criteria.
- **March 12, 2019: Call with Senator Capito**
 - Administrator Wheeler spoke with Senator Capito to discuss small refinery exemptions.

QUESTIONS FROM CONFIRMATION HEARING

- **PFAS** -Will EPA be recommending a cleanup standard for PFAS?
- **DWSRF** - Are there programs under the Drinking Water SRF to help rural systems prevent leaks?



Senator Kevin Cramer (R-North Dakota)

BIO: Senator Cramer has served in the U.S. Senate since 2019. He previously represented North Dakota in the House of Representatives from 2013 to 2019. Prior to coming to Washington, he served as North Dakota's Public Service Commissioner – a position that then-Governor John Hoeven appointed him to in 2003 and was subsequently elected to in 2004. In the Senate, he also serves on the Veterans' Affairs Committee and the Senate Armed Services Committee.

ISSUES OF CONCERN

- **RFS**
 - Understands the impact of bio- and petro- on North Dakota's economy, but believes progress can be made without a government mandate.
 - Shimkus/Flores 21st Century Fuels Act: Senator Cramer has expressed interest in receiving technical assistance on the Shimkus/Flores legislation. Currently there is no Senate companion bill.
- **Fugitive Emissions**
 - Concerned about the possibility of fugitive emissions violating New Source Performance Standards for oil and gas operations.
 - EPA responded to his concerns on January 16, 2020.
- **SAFE**
 - Supports EPA's SAFE Rule and the goal of reaching One National Standard.
- **Class VI Wells**
 - Then-Congressman Cramer was a strong advocate for EPA approving the State of North Dakota's application for primacy over the Safe Drinking Water Act Underground Injection Control program for carbon sequestration wells, known as Class VI.
 - Current Status: EPA approved North Dakota's application in April 2018.
- **WOTUS**
 - Strongly supports the recently finalized Navigable Waters Protection Rule.
- **ACE Rule**
 - Supports the finalized ACE Rule and the repeal of the Clean Power Plan.

AW ENGAGEMENTS

- **November 30, 2018: Meeting**
 - Following his election to the Senate, then-Congressman Cramer requested a meeting with Administrator Wheeler to discuss biofuels.
- **January 3, 2019: Open House**
 - Administrator Wheeler visited Senator Cramer's Open House for the start of this Congress.
- **October 7, 2019: North Dakota Visit**
 - Administrator Wheeler attended several events in North Dakota during his visit in October 2019, including a WOTUS roundtable with Senator Cramer.

QUESTIONS FROM CONFIRMATION HEARING

- **RFS** - What exactly happens to the RFS in 2022 if we do nothing? What options are there now?



Senator Mike Braun (R-Indiana)

BIO: Senator Braun has served in the U.S. Senate since 2019. Prior to serving in the Senate, he served as a member of Indiana's General Assembly. He had an extensive career in business, helping form Meyer Distributing in 1981, where he enjoyed great success in the auto industry. He holds an MBA from Harvard Business School.

ISSUES OF CONCERN

- **Cleaner Trucks Initiative**
 - Staff from Senator Braun's office have been very interested in the Cleaner Trucks Initiative, including participating in multiple phone calls with OAR and OCIR.
- **ACE Rule**
 - Supports the finalized ACE Rule and the repeal of the Clean Power Plan.
- **WOTUS**
 - Supports the recently finalized Navigable Waters Protection Rule.
- **RFS**
 - Opposes small refinery exemptions, believing that the exemptions should be given only to refineries that exhibit economic hardship.

AW ENGAGEMENTS

- **January 10, 2019: Meeting**
 - Administrator Wheeler met with Senator Braun during his confirmation process.

QUESTIONS FROM CONFIRMATION HEARING

- **WOTUS** - What is EPA doing to clarify the definition of "Waters of the U.S.?"
- **Personal** - Do you consider yourself a conservationist?
 - How will you measure your own success in this job once you get into it?



Senator Mike Rounds (R-South Dakota)

BIO: Senator Rounds has served in the U.S. Senate since 2015. He has an extensive background in public service, first serving as a member of the South Dakota State Senate and later serving as South Dakota's Governor from 2003-2011. He enjoyed a successful career in both the insurance and real estate industries. In the Senate, he also serves on the Veterans' Affairs Committee, the Armed Services Committee, and the Committee on Banking, Housing, and Urban Affairs.

ISSUES OF CONCERN

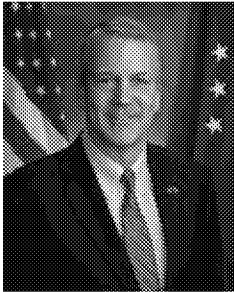
- **RFS**
 - Supports EPA's decision to make E15 available year-round.
 - Concerned with 2020 RVOs.
- **ACE Rule**
 - Supports the finalized ACE Rule and the repeal of the Clean Power Plan.
- **Sue and Settle**
 - Supports EPA's efforts to end the practice of "sue and settle."
- **Strengthening Transparency in Regulatory Science Rule**
 - Supports the Strengthening Transparency in Regulatory Science Rule.

AW ENGAGEMENTS

- **August 21, 2018: Introductory Meeting**
 - AW called Senator Rounds for an introductory conversation.
 - The Senator requested an update on the Agency's implementation of the RFS.
 - Additionally, the Senator requested EPA grant a waiver for year-round use of E15.
 - Senator Rounds told the Administrator to "stay the course" on your initiatives.
 - The Senator encouraged the Administrator to use sound science in his decision making.
- **December 11, 2018: Senator Rounds attended the WOTUS Step 2 rollout event at EPA**
 - Senator Rounds spoke at the event along with 13 other members, expressing their support of the new WOTUS rule.
- **July 24, 2019: RFS Meeting convened by Senator Thune**
 - Administrator Wheeler met with Senator Rounds and several others to discuss the RFS.

QUESTIONS FROM CONFIRMATION HEARING

- **E15** - Will you commit to finalizing the EPA's rule permitting year-round sale of E15 before the summer?
- **SREs** - What can EPA do while granting small refinery exemptions to honor the guidelines of the law to meet the goals for ethanol production?



Senator Dan Sullivan (R-Alaska)

BIO: Senator Sullivan has served in the U.S. Senate since 2015. Previously, he served as Alaska's Attorney General and as Commissioner of Alaska's Department of Natural Resources. He also served as the Assistant Secretary of State for Economic, Energy, and Business under Secretary of State Condoleezza Rice during the Bush Administration. A member of the United States Marine Corps since 1993, he is currently a Colonel in the Marine Corps Reserve.

ISSUES OF CONCERN

- **WOTUS**
 - Supports the recently finalized Navigable Waters Protection Rule.
- **Marine Debris**
 - Sponsored the Save Our Seas Act 2.0 which passed the Senate on January 9, 2020.
 - EPA has no specified, direct role in the new law and no appropriated funds, although Co-Chair of the Task Force and solely running the Agency's own Trash-Free Waters program.
- **Alaska Grants**
 - Supports increased funding for the Rural Alaska Village and Rural Communities program.
 - FY19 minibus funded at \$24.2M, which provided funding for 13 projects.
 - FY20 President's Budget Request was for \$3M.
- **ACE Rule**
 - Supports the finalized ACE Rule and the repeal of the Clean Power Plan.
- **Remote Generators**
 - Sponsored the Alaska Remote Generator Reliability and Protection Act, which was signed into law and directed the EPA to revise certain regulations regarding particulate matter emissions standards for nonemergency stationary diesel engines in remote areas of Alaska.
 - EPA issued a final rule in October 2019 to exempt remote parts of Alaska from Tier 4 requirements on small generators.
- **Small and Disadvantaged Communities Drinking Water Grant Program**
 - Sponsored the Small and Disadvantaged Communities grant program and worked to get it included in the WIIN Act of 2016.
 - Discouraged by EPA's use of a formula funding for the program rather than a competitive grant process.
 - Recently, OCIR has worked with them on technical assistance to bring the program more in line with the Senator's original vision.

AW ENGAGEMENTS

- **January 14, 2019: Meeting**
 - Administrator Wheeler met with Senator Sullivan during his confirmation process.
- **August 17-21, 2019: Alaska Trip**
 - Administrator Wheeler attended several events with Senator Sullivan when he visited Alaska.

QUESTIONS FROM CONFIRMATION HEARING

- **Alaska Visit** - Will you commit to coming to Alaska?
- **Murray Energy** - What was your role in representing Murray Energy?



Senator John Boozman (R-Arkansas)

BIO: Senator Boozman has served in the U.S. Senate since 2011. He graduated from the Southern College of Optometry in 1977 and went on to become a prominent optometrist in northwest Arkansas. Prior to serving in the Senate, he was active in his local community as a member of the Rogers School Board and worked as a volunteer optometrist. He also serves on the Committee on Agriculture, Nutrition, and Forestry, the Committee on Veterans' Affairs, the Appropriations Committee, and as a member of the Helsinki Commission.

ISSUES OF CONCERN

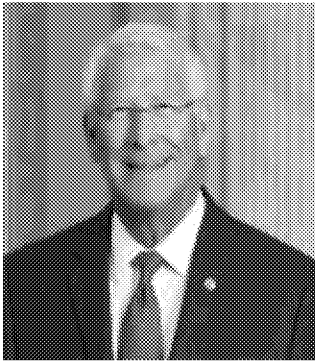
- **ACE Rule**
 - Supports the finalized ACE Rule and the repeal of the Clean Power Plan.
- **WOTUS**
 - Supports the recently finalized Navigable Waters Protection Rule.
- **Vertac Superfund Site**
 - Sen. Boozman has inquired and asked to stay updated on the site.
 - Current Status: EPA completed its fifth five year review in February 2019.
 - Almost half of the Vertac site has been put back into use by the City of Jacksonville.
 - Numerous cleanup actions have been completed at the site which have reduced the further spread of contaminants and the threat of exposure to dioxin wastes from the tanks and drums on site, as well as the threat of dioxin exposure from contaminated buildings and debris, soil and groundwater.
- **Dicamba**
 - Concerned over the large number of dicamba damage reports in the State of Arkansas.
 - Arkansas has banned in season use of dicamba.
 - Dicamba is registered through December 20th, 2020.
- **WIFIA/SRF WIN Act**
 - Sponsored the “SRF WIN Act,” a provision included in America’s Water Infrastructure Act of 2018, that allows for additional WIFIA borrowing for SRF programs.

AW ENGAGEMENTS

- **January 9, 2019: Meeting**
 - Administrator Wheeler met with Senator Boozman during his confirmation process.

QUESTIONS FROM CONFIRMATION HEARING

- **Rulemaking Process** - Will EPA be more transparent about their rulemaking process?
 - What have you done and what do you plan to do in the future to facilitate a stronger level of trust between EPA and rural America?
 - Can you please explain the environmental and economic benefits regulatory certainty provides?



Senator Roger Wicker (R-Mississippi)

BIO: Senator Wicker has served in the U.S. Senate since 2007. Prior to serving in the Senate, he represented Mississippi's First Congressional District in the House of Representatives for 14 years, and previously served in the Mississippi State Senate. A veteran, Senator Wicker served in the United States Air Force, retiring from the Reserves in 2004 at the rank of lieutenant colonel. In the Senate, he is the Chair of the Helsinki Commission, and is also a member of the Senate Armed Services Committee and the Rules and Administration Committee.

ISSUES OF CONCERN

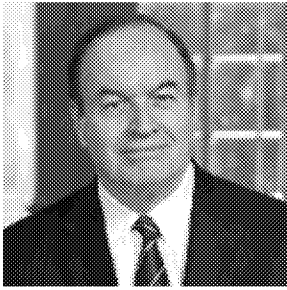
- **RFS**
 - Opposes year-round sale of E15.
 - Opposes retroactive reallocation of compliance obligations from small refineries.
 - Expressed interest in the Small Refinery Exemption for the Ergon-West Virginia refinery.
- **ACE Rule**
 - Supports the finalized ACE Rule and the repeal of the Clean Power Plan.
- **WOTUS**
 - Supports the recently finalized Navigable Waters Protection Rule.
- **Underground Storage Tanks**
 - Supports extending deadline for System Upgrade Requirements to 2024 for the operation and maintenance of USTs.
 - Current Status: Implementation will be phased in from 2018 to 2021.
- **Yazoo Backwater Area Pumps Project Clean Water Act Section 404(c) Action**
 - Highly supportive of EPA approving the use of pumps to mitigate flooding concerns in west-central Mississippi (Yazoo Backwater Area).
- **MS-Grenada Manufacturing LLC (aka Rockwell International Wheel & Trim or “Rockwell Grenada”)**
 - Sen. Wicker's staff attended the Site listing and other public meetings and has been supportive of referral of the cleanup from RCRA to the Superfund program.
 - EPA's priority is to protect the health of workers at the manufacturing facility and residents of the adjacent neighborhood.
 - Former R4 RA Trey Glenn discussed activities at the site with the Senator during a courtesy visit in July 2018.
- **MS-Mississippi Phosphates Corporation**
 - Former R4 RA Trey Glenn discussed activities at the site with the Senator during a courtesy visit in July 2018 .
 - EPA arranged for Sen. Wicker's for elected officials' staff to tour the Site in March 2018 and routinely briefs them on Site status. His office is supportive of the cleanup remedy at the site
 - Sen. Wicker's office has also expressed interest in Site reuse.
- **Pearl River Flood Control Project**
 - Project is controversial. Senator Wicker strongly supports the project and has conveyed that to Region 4 leadership.
 - Currently, this is a non-Federal agency proposed project.
 - The applicant has not yet filed the Feasibility Study/Draft Environmental Impact Statement which triggers EPA's formal review under the National Environmental Policy Act (NEPA). EPA will continue to work with the applicant to address technical concerns.

AW ENGAGEMENTS

- **September 23, 2018: Telephone Call**
 - AW called Senator Wicker to discuss Wicker's support for the RFS Small Refinery Waiver and provide an update on EPA's response.
 - During the call, Senator Wicker sought an update to EPA's response to the Ergon-West Virginia Small Refinery Exemption – which is still being evaluated by DOE. Ergon-West Virginia is a subsidiary of a company in Mississippi.
 - AW detailed the impact of the case and efforts the Agency is taking with DOE to analyze the company's petition.
- **March 15, 2019: SREs and Yazoo**
 - Administrator Wheeler discussed a pending SRE and the Mississippi Delta Yazoo pumps with Senator Wicker.
- **May 15, 2019: Meeting**
 - Administrator Wheeler met with Senators Wicker and Hyde-Smith with Army Assistant Secretary RD James.
- **December 17, 2019: Introductory meeting with Governor-elect Reeves**
 - Administrator Wheeler attended an introductory meeting for Governor-elect Tate Reeves with Senator Hyde-Smith and Senator Wicker. They also discussed the Yazoo Backwater Area Pumps.

QUESTIONS FROM CONFIRMATION HEARING

N/A



Senator Richard Shelby (R-Alabama)

BIO: Senator Shelby is in his sixth term in the U.S. Senate, having represented Alabama since 1987. A lifelong public servant, he also served 8 years in the House of Representatives and eight years in the Alabama state legislature. In the Senate, he is the Chairman of the Committee on Appropriations, and also serves on the Committee on Banking, Housing, and Urban Affairs and the Committee on Rules and Administration.

ISSUES OF CONCERN

- **WOTUS**
 - Supports the recently released Navigable Water Protection Standard.
- **Paris Climate Accord**
 - Supported U.S. withdrawal from Paris Climate Accord.
- **ACE Rule**
 - Supports the finalized ACE Rule and the repeal of the Clean Power Plan.
- **Biogenic CO2**
 - Supports EPA's efforts to declare biomass as carbon neutral.
- **Wood Heaters**
 - Supports an extension of the sell through period for wood heaters by two years into 2022.
 - Current Status: EPA has sent a final rule to OMB for interagency review.

AW ENGAGEMENTS

N/A

QUESTIONS FROM CONFIRMATION HEARING

N/A



Senator Joni Ernst (R-Iowa)

BIO: In November 2014, Joni was elected as the first woman to serve in federal elected office from the State of Iowa, and also became the first female combat veteran elected to serve in the U.S. Senate. In addition to the Environment and Public Works Committee, Senator Ernst serves on the Armed Services Committee, the Agriculture, Nutrition and Forestry Committee, the Judiciary Committee, and the Small Business and Entrepreneurship Committee.

ISSUES OF CONCERN

- **RFS**
 - Major supporter of the RFS program.
 - Over the course of the 115th Congress, she signed 12 letters to the EPA Administrator or to the President related to the RFS.
 - Supports higher RVO's.
 - Opposes "waiver caps" that are designed to lower RIN prices.
 - Supports year-round E15 sales.
 - Opposes small refinery waivers.
- **WOTUS**
 - Supports the recently released Navigable Waters Protection Rule.
- **Gliders**
 - Opposed Obama EPA action limiting the use of glider kits in the heavy-duty trucking industry.
- **Des Moines TCE Site**
 - Remedies have been in place at this Site since the mid-1990s. Litigation has been on-going with the PRPs since 2010. The United States recently received a very favorable judgment that the PRPs have appealed to the Eighth Circuit.
 - EPA, Iowa Department of Natural Resources (IDNR), the City of Des Moines, and representatives from the PRPs all would like the site also put back into productive reuse.
 - As this matter is in current litigation, while the Agency always strives to resolve matters, we are not able to comment further regarding any ongoing discussions with the PRPs.
- **ACE Rule**
 - Supports the finalized ACE Rule and the repeal of the Clean Power Plan.

AW ENGAGEMENTS

- **July 20, 2018: Introductory Call**
 - Administrator Wheeler called Senator Ernst to discuss the RFS RVP waiver. She requested administrative action allowing for the sale of E-15 year-round.
- **August 2, 2018: Breakfast with Senators Ernst and Grassley**
 - Administrator Wheeler went to the Senate Dining Room for breakfast with the Senators. The Senators used the opportunity to further discuss the RFS and detail their desire to expand the use of biofuels in the nation's transportation network.

- **November 28, 2018: Meeting with Senators Ernst and Grassley**
 - Administrator Wheeler went to the Senate to meet with Senators Ernst and Grassley. Due to an unforeseen scheduling conflict, Senator Ernst led the meeting while Senator Grassley popped in to say hello, detail his points and return to another meeting.
 - During the discussion, Senator Ernst discussed the impending E-15 rulemaking and reset in accordance with President Trump's executive order. Administrator Wheeler provided an update on the process.
 - Senator Ernst asked EPA to "bump" up the date of rulemaking to earlier than February 1st, the Administrator explained it would be difficult because the same staff working on E15 are working on RVO's.
 - Further, the Senator then discussed the Glider Kit rulemaking and expressed great desire in undoing the rulemaking restricting production of glider kits.
 - Senator Ernst asked the Administrator to speed up rulemaking process, the Administrator explained that the rule must be air tight to stand judicial scrutiny and will take time.
- **December 11, 2018: Senator Ernst attended the WOTUS Step 2 rollout event at EPA**
 - Senator Ernst spoke at the event along with 13 other members, expressing their support of the new WOTUS rule.
- **January 10, 2019: Meeting**
 - Administrator Wheeler met with Senator Ernst during his confirmation process.
- **May 15, 2019: Call**
 - Administrator Wheeler had a call with Senator Ernst to discuss the RFS.
- **July 24, 2019: RFS Meeting convened by Senator Thune**
 - Administrator Wheeler met with Senator Ernst and several others to discuss the RFS.
- **October 17, 2019: Call**
 - Administrator Wheeler had a call with Senator Ernst to discuss the 2020 RVO's.

QUESTIONS FROM CONFIRMATION HEARING

- **E15** - Will you reaffirm your commitment to finalize the E15 rulemaking before the summer?
- **SREs** - RIN prices have dropped dramatically since President Trump took office. So, with the RIN prices being so much lower today than they were two years ago, do you agree that this means there is less economic hardship associated with having to purchase those RINs?
 - What is the EPA's role in granting or denying a full or partial waiver?
 - Can you assure me then that you will be examining those exemptions and not giving blanket exemptions, as it appears has been done in the past by your predecessor?
- **WOTUS** - Can you elaborate on how the WOTUS replacement rule provides more clarity to our farmers and landowners than the original 2015 rule?

SENATE ENVIRONMENT & PUBLIC WORKS COMMITTEE – OVERSIGHT OVERVIEW

BACKGROUND STATS:

- Letters Received – 23 (some just include EPW Minority Members)
 - May 8, 2020 – Wood Heaters Proposed Rule
 - April 29, 2020 – CEMS Interim Final Rule
 - April 17, 2020 – PFAS SNUR, Nancy Beck Influence
 - April 14, 2020 – EtO IG Report
 - April 13, 2020 – COVID-19 Air Actions – MATS, SAFE, PM
 - April 3, 2020 – OECA Temporary Policy **(1 Response)**
 - April 2, 2020 – COVID-19 Regulatory Development **(1 Response)**
 - April 1, 2020 – COVID-19 EPA Operations **(1 Response)**
 - March 24, 2020 – Science Transparency Rule, Supplemental **(1 Response)**
 - February 14, 2020 – PFAS Action Plan **(1 Response)**
 - February 5, 2020 – ECOS Funding **(1 Response – 149 Pages Produced)**
 - January 10, 2020 – Chesapeake Bay TMDL **(1 Response)**
 - November 19, 2019 – AFGE Negotiations
 - November 18, 2019 – GAO Report on Climate Impacts to Superfund Sites
 - October 22, 2019 – AFGE Negotiations
 - July 1, 2019 – FACO EO **(1 Response)**
 - June 3, 2019 – CWA 401 Certification **(1 Response)**
 - May 23, 2019 – SAFE Rule
 - May 23, 2019 – OIG Report on Pruitt Travel
 - March 27, 2019 – EtO **(2 Responses – 488 Pages Produced)**
 - March 6, 2019 – PFAS Interagency Communications
 - March 4, 2019 – Formaldehyde IRIS **(4 Responses – 2,702 Pages Produced)**
 - January 10, 2019 – Hendricks’ Gift to Pruitt
- **Total Pages Produced – 3,339 pages of documents**
- **Hearings – 6**
 - EPA Budget Hearing – May 20, 2020
 - EPA Witness – Andrew Wheeler, Administrator
 - Assistant Administrator Nomination – March 11, 2020
 - EPA Witness – Doug Benevento, Associate Deputy Administrator
 - IG Nomination – October 30, 2019
 - EPA Witness – Sean O’Donnell, Inspector General for EPA
 - Water Infrastructure – October 23, 2019
 - EPA Witness – Charlotte Bertrand, Deputy Assistant Administrator for Policy of OW
 - PFAS Federal Response – March 28, 2019
 - EPA Witness – Dave Ross, Assistant Administrator for OW
 - Administrator Nomination – January 16, 2019
 - EPA Witness – Administrator Wheeler

TALKING POINTS:

- As a former Congressional staffer for this Committee, I fully understand the importance of oversight to good governance.
- The EPA has been very responsive to the Committee’s requests, providing documents, technical assistance, and numerous briefings on a variety of matters within the Committee’s jurisdiction.
- I am committed to running a transparent Agency, and our record of responding to Congressional inquiry reflects that.

CONGRESSIONAL OVERSIGHT – SCIENCE TRANSPARENCY RULE

BACKGROUND:

- **November 13, 2019** – House Science held a hearing on the Science Transparency Rule. EPA provided Principal Deputy Assistant Administrator for ORD Jennifer Orme-Zavaleta to testify.
- **March 20, 2020** – The Agency received a letter from House Science Chairwoman Eddie Bernice Johnson on the Science Transparency rule. The letter requested that the Agency extend the comment period and provide the committee with a briefing on the SNPRM.
 - **April 2, 2020** – The Agency sent a response to the Chairwoman.
- **March 24, 2020** – The Agency received a letter from EPW Ranking Member Carper on the Science Transparency rule. It called on the Agency to retract the rule. Of note, the Ranking Member alleged in his letter that the Science Transparency rule would negatively impact the Agency's ongoing efforts to address COVID-19.
- **April 2, 2020** – The Agency provided a briefing to House Science on the SNPRM. The EPA made Jennifer Orme-Zavaleta, David Dunlap, and Mia Doe available to brief the Committee.
 - The Agency also announced that in response to the calls from the public and the Chairwoman, the comment period would be extended 30 days.
- **April 16, 2020** – The Agency provided a follow up briefing to House Science, addressing the Committee's unanswered questions.

KEY POINTS:

- The Agency has primarily received oversight inquiries from House Science on this rulemaking.

Ex. 5 Deliberative Process (DP)

TALKING POINTS:

- We are working with Congress to ensure they are updated on the Agency's efforts to safeguard the integrity of the Agency's regulations, which this proposed rulemaking would support.
- Transparency in science that enables independent validation of scientific conclusions is important to advancing the Agency's mission. In no way does the proposed rule or the supplemental notice suppress research or censor scientists.
- On the contrary, it acknowledges that all science is welcome at the Agency and provides a clear awareness to researchers and the general public that, if the proposed Science Transparency rule is finalized, the Agency will utilize procedures with the goal of making the science on which future significant regulatory decisions are based more transparent while still ensuring the protection of CBI and PII.
- The supplemental notice asks for public comment on all of these important considerations. The Senator's statements that the proposed rule, if finalized, would impede the Agency's ability to respond to emergencies using data and scientific information are entirely unfounded.
- Our most important environmental statutes provide EPA with authority to issue emergency orders or respond to address emergencies to protect human health and the environment, and this proposed rule would not limit or impede EPA's authority to undertake such responses.
 - For example, on March 13, 2020, the Agency issued an expanded list of EPA-registered disinfectant products which qualified for use against SARS-CoV-2, the virus causing COVID-19. This new list contains nearly 200 additional products-including 40 new products that went through EPA's expedited review process.

PROPOSED RULEMAKING ON STRENGTHENING TRANSPARENCY IN REGULATORY SCIENCE

BACKGROUND:

- Proposed Rule
 - April 30, 2018 - the proposed rule was published in the Federal Register.
 - Initially a 30-day comment period but extended to August 16, 2018 (total 110-day comment period)
 - House and Senate Democrats (including Sens. Carper and Whitehouse) requested an extension.
 - July 17, 2018 - EPA public hearing was held in Washington, D.C.
 - Majority of commenters (>75%) support the goal of greater transparency, but some had concerns with the approach to facilitating that goal.
- Supplemental Notice
 - March 3, 2020 - supplemental notice signed and immediately posted a pre-pub copy of the supplemental on the Agency website.
 - March 18, 2020 - The supplemental notice of proposed rulemaking (SNPRM) published in the Federal Register.
 - Initially a 30-day public comment period but extended for an additional 30 days to May 18, 2020.
 - Rep. Johnson and other Democrats requested an extension to the comment period.
 - In total, the public will have 75 days (this includes the pre-pub time) to develop written comments and submit those comments to the docket.
- In total, the public will have had 185 days of comment period across both FR notices.
- September 30, 2019 and April 24, 2020 - SAB provided comments on the proposed rule and supplemental.

KEY POINTS:

- The proposal, as supplemented, would require that data and models underlying pivotal studies used to support significant regulatory actions and influential scientific information be available for independent validation.
 - This is a rule of internal Agency procedure. No burdens are necessarily imposed on third parties.
 - Data are considered available if they are available to the general public or through tiered access, in the case of protected data that cannot be deidentified.
 - The Administrator may grant an exemption on a case-by-case basis if compliance is not practicable due to technological, legal or homeland security barriers that limit sharing of the data and models.
 - EPA solicited public comment on many key elements of the rulemaking and is using the comments to frame the final rule. Additional detail will also be provided in post-rule implementation guidance.
- Reps. Paul Tonko (D-NY-20), Suzanne Bonamici (D-OR-01), and Dan Lipinski (D-IL-03)

are very opposed to this proposed rule. All three provided comments during the July 2018 public hearing. Eighty-five House members signed a March 23, 2020 letter asking for the rule to be withdrawn.

- Rep. Eddie Bernice Johnson (D-TX-30) wrote letters to EPA on the rulemaking on March 20 and May 6, 2020 and her office released a memo to other democratic members on May 6, 2020, detailing issues with the rulemaking. EPA briefed house majority and minority staff on April 2 and 14, 2020.
- April 14, 2020 - Union of Concerned Scientists held a virtual hearing on the SNPRM.

TALKING POINTS:

- The proposed rulemaking is intended to ensure access to science and data, while at the same time protecting confidential, proprietary and personal information.
- I am committed to ensuring both and, by doing so, intend to strengthen the confidence in EPA's work.
- The SAB and the vast majority of public commenters support the concept of greater transparency.
- The public comment period just closed on Monday, May 18th, and many of the details that we've been criticized on will be addressed in either post-rule guidance or in the final rulemaking, due later this year.

STRENGTHENING TRANSPARENCY – SCIENCE ADVISORY BOARD

BACKGROUND:

- On April 30, 2018, EPA announced a proposed rule to strengthen transparency in regulatory science.
- EPA solicited feedback from the Science Advisory Board (SAB) on personally identifiable information (PII) and confidential business information (CBI). EPA received these comments on September 30, 2019. EPA is considering these comments as we develop the final rule.
- The SAB also elected to provide feedback on the entire proposed rule. EPA received this feedback on December 31, 2019. EPA is considering these comments as we develop the final rule.

KEY POINTS:

- Overview of SAB Comments on PII and CBI:
 - This policy deserves a more complete development and should have consensus review by SAB. Recommend a more transparent evaluation of the science challenges that underpin the proposed rule through dedicated SAB panel or National Academy of Sciences (NAS) study.
 - The notion of increased transparency is difficult to argue against, but it's unclear if this rule will achieve transparency. Maybe it should only apply to influential scientific and technical information as defined by OMB.
 - For PII, the tiered approach should work well if implemented properly.
 - For some studies with a small recruiting base, there may be no way to de-identify data, but that should not be cause for not using them. Also, de-identified data might not be sufficient to confirm analysis. But to exclude these studies would undermine EPA's commitment to use best scientific evidence in rulemaking.
- How EPA Protects CBI:
 - The requirements for the use of and protections for CBI are provided in the regulations 40 CFR § 2 Subpart B
- How EPA Protects PII:
 - To date, EPA has not issued guidance for de-identifying PII.
 - Intramural researchers either code such datasets as "non-public" or follow the guidance issued by the U.S. Department of Health and Human Services. This guidance provides two ways to de-identify information.
- Overview of SAB Comments on Entire Proposed Rule:
 - Proposed rule requires extensive clarification on definitions and implementation
 - Proposed rule does not conform with best practices for scientific replication, privacy protection, or data management.
 - Proposed rule would exclude key studies

TALKING POINTS:

- The rule on strengthening transparency in regulatory science is designed to protect two interests – access to science and data, while at the same time protecting confidential and personal information. I am committed to ensuring both and, by doing so, intend to strengthen the confidence in the work that EPA produces.
- I requested that the SAB provide input on CBI/PII with regard to the strengthening transparency rule. The Agency has received those comments and is considering that input.
- EPA will follow all laws and will protect PII, CBI, and proprietary data.
- The Agency intends to release the supplemental to the strengthening transparency rule soon.
- SAB provided broader comments beyond the scope of what was requested. These comments are still draft and have yet to be delivered as final to the Agency. Once received, the Agency will also consider that input.

Message

From: Frye, Tony (Robert) [frye.robert@epa.gov]
Sent: 5/13/2020 7:46:58 PM
To: Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Hanson, Paige (Catherine) [hanson.catherine@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Bolen, Derrick [bolen.derrick@epa.gov]; Dankert, Charles M. (Charlie) [Dankert.Charles@epa.gov]; Bloom, David [Bloom.David@epa.gov]; Willey, Katharine [willey.katharine@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Harlow, David [harlow.david@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Moor, Karl [Moor.Karl@epa.gov]; Cory, Preston [Cory.Preston@epa.gov]; Raymond, Kelley [Raymond.Kelley@epa.gov]; Tardif, Abigale (Abbie) [Tardif.Abigale@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]; Fischer, David [Fischer.David@epa.gov]; Bolen, Derrick [bolen.derrick@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Tran, Victoria [tran.victoria@epa.gov]; Irving, John [Irving.John@epa.gov]; Coxen, Carrie [coxen.carrie@epa.gov]; Dunlap, David [dunlap.david@epa.gov]; Fitzmorris, Amanda [fitzmorris.amanda@epa.gov]; Jones, Lindsey [jones.lindsey@epa.gov]; Vizian, Donna [Vizian.Donna@epa.gov]; Zeckman, David [zeckman.david@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Wildeman, Anna [wildeman.anna@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; McIntosh, Chad [mcintosh.chad@epa.gov]; Zimmer, Nathaniel [zimmer.nathaniel@epa.gov]; Yarbrough, John (Daniel) [Yarbrough.Daniel@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Cody, Meredith [cody.meredith@epa.gov]; Wright, Peter [wright.peter@epa.gov]; Hoverman, Taylor [hoverman.taylor@epa.gov]; Cook, Steven [cook.steven@epa.gov]
CC: Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Voyles, Travis [Voyles.Travis@epa.gov]; Edwards, John (Holt) [edwards.john@epa.gov]
Subject: SEPW Briefing Binder
Attachments: 2020.05.13 - 12pm - AAW Budget Hearing Binder Updates.zip; 2020.05.12 - Supplemental- Budget Hearing Table of Contents.docx

1 of 2 – PLEASE LIMIT DISTRIBUTION AS APPROPRIATE

Hello All – I apologize for my delay in sending these documents around, there are still some moving parts, but we wanted to get the majority of what is finalized to you before the last hold outs.

Attached, please find the truncated SEPW hearing binder that is currently with the Administrator for his review prior to briefings this week in advance of his hearing Wednesday. All of the sheets in this file should be highlighted in the attached TOC.

Following this email, I will send another with the full binder that reflects all of the documents on the TOC, the file is simply too large to get into one email.

There have been a lot of moving parts in this process, please let me know if you have any questions, think I missed a sheet your office provided to OCIR, or have any comments.

Have a great day!

Best,
Tony

Tony Frye
Director of Senate Affairs
Office of Congressional Affairs
Environmental Protection Agency
Cell: 202.603.3225

Message

From: Bolen, Brittany [bolen.brittany@epa.gov]
Sent: 5/12/2020 3:43:44 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
Subject: priority rule tracker
Attachments: 14. Tracking 13 Priority Rules as of 5.7.20 .xlsx

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM ABP	NPRM Options Selection	NPRM FAR	NPRM to OMB	NPRM Signature	NPRM FR Publication	Comment Period End	Final Early Guidance	Final ABP	Final Options Selection	Final FAR	Final to OMB	Final Signature	Final FR Publication	Comments	OP Notes	Fall 2017 Reg Agenda NPRM	Fall 2017 Reg Agenda Final	PRAD
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target Actual or Current Planned																				
No		EGU GHG NSPS	OAR	5548.6	2	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target Actual or Current Planned																				
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units	Target Actual or Current Planned																				
No		NO2 NAAQS	OAR	5622	2	Review of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen	Target Actual or Current Planned																				
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target Actual or Current Planned																				
No		SO2 NAAQS	OAR	5747	1	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides	Target Actual or Current Planned																				
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target Actual or Current Planned																				
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule	Target Actual or Current Planned																				
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target Actual or Current Planned																				
No		Cement RTR	OAR	5890	2	National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry Residual Risk and Technology Review	Target Actual or Current Planned																				
No		Mid-term Evaluation	OAR	5899.1	2	Reconsideration of Final Determination: Mid Term Evaluation of Greenhouse Gas Emissions Standards for Model Year 2022-2025 Light Duty Vehicles	Target Actual or Current Planned																				
No		Turbine RTR	OAR	5909	2	Stationary Combustion Turbine RTR	Target Actual or Current Planned																				
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target Actual or Current Planned																				
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology	Target Actual or Current Planned																				
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target Actual or Current Planned																				

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review;*	Target
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Actual or Current Planned
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Actual or Current Planned
No		HCI RTR	OAR	6267	2	National Emission Standards for Hazardous Air Pollutants for Hydrochloric Acid Production Residual Risk and Technology Review	Target
Yes		CPP Replace	OAR	6346	1	State Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units	Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Netting	Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020Commencement: -	Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSPP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target Actual or Current Planned
No		Lead dust	OCSPP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target Actual or Current Planned
Yes		WPS	OCSPP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target Actual or Current Planned
No		CBI	OEI	5757	2	Revisions to 40 CFR Part 2, Subpart b (Confidentiality of Business Information)	Target Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target Actual or Current Planned
Yes		CCR Remand	OLEM	5939	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1)	Target Actual or Current Planned
Yes		HSPS	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process (ANPRM*)	Target Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target Actual or Current Planned
No		UNDS Armed Forces II	OW	5772	2	Uniform National Discharge Standards for Vessels of the Armed Forces--Phase II--Batch Two (UNDS)*	Target Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM ABP	NPRM Options Selection	NPRM FAR	NPRM to OMB	NPRM Signature	NPRM FR Publication	Comment Period End	Final Early Guidance	Final ABP	Final Options Selection	Final FAR	Final to OMB	Final Signature	Final FR Publication	Comments	OP Notes	Fall 2017 Reg Agenda NPRM	Fall 2017 Reg Agenda Final
No		LDAR	OAR	5364	2	No indication of current milestone or completed milestones (on-schedule)	Target																			
No		EGU GHG NSPS	OAR	5548.6	2	No indication of current milestone or completed milestones (some delayed milestones)	Target																			
Yes		CPP Repeal	OAR	5548.7	1	No indication of current milestone or completed milestones (some delayed milestones and no color if no dates)	Target																			
No		NO2 NAAQS	OAR	5622	2	Completed milestones cross-hatched (on-schedule)	Target																			
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Completed milestones bold and larger font (on-schedule)	Target																			
No		SO2 NAAQS	OAR	5747	1	Completed milestones cross-hatched (some delayed milestones)	Target																			
No		Aircraft GHG	OAR	5773.1	2	Completed milestones bold and dots and no color for uncompleted milestones (some delayed milestones)	Target																			
No		REGS	OAR	5845	2	Only late milestones are colored (some delayed milestones)	Target																			
No		Ozone SIP	OAR	5870	2	Next milestone indicated in purple (on-schedule)	Target																			
No		Cement RTR	OAR	5890	2	Next milestone indicated in purple outline (some delays)	Target																			
No		Mid-term Evaluation	OAR	5899.1	2	Next milestone in purple outline and no color if no milestone date (on-schedule)	Target																			
No		Turbine RTR	OAR	5909	2		Target																			
No		Engine RTR	OAR	5911	2		Target																			
No		Ethylene RTR	OAR	5914	2		Target																			
No		II&S RTR	OAR	5919	2		Target																			

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

No		Reinforced Plastics & Boat RTR	OAR	5930	2		Target
No		Tire RTR	OAR	5949	2		Actual or Current Planned
No		Fuels Modernization	OAR	5983	2		Target
No		Asphalt RTR	OAR	5988	2		Actual or Current Planned
No		HCI RTR	OAR	6267	2		Target
Yes		CPP Replace	OAR	6346	1		Actual or Current Planned
No		Gliders	OAR	6459	1		Target
No		Misc Chem & Coating	OAR	6494	2		Actual or Current Planned
No		OLD RTR	OAR	6503	2		Target
No		NSR Netting	OAR	6598	2		Actual or Current Planned
No		O&G NSPS	OAR	6616	1		Target
No		RFS	OAR	6642	1		Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSP	5007.1	2		Target Actual or Current Planned
No		Lead dust	OCSP	5488	1		Target Actual or Current Planned
Yes		WPS	OCSP	6331	2		Target Actual or Current Planned
No		CBI	OEI	5757	2		Target Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3		Target Actual or Current Planned
Yes		CCR Remand	OLEM	5939	3		Target Actual or Current Planned
Yes		HSSP	OLEM	5957	2		Target Actual or Current Planned
1		Cost consistency	OP	6530	2		Target Actual or Current Planned
Yes		Lead & Copper	OW	5423	1		Target Actual or Current Planned
No		Perchlorate	OW	5555	1		Target Actual or Current Planned
No		UNDS Armed Forces II	OW	5772	2		Target Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1		Target Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1		Target Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM ABP	NPRM Options Selection	NPRM FAR	NPRM to OMB	NPRM Signature	NPRM FR Publication	Comment Period End	Final Early Guidance	Final ABP	Final Options Selection	Final FAR	Final to OMB	Final Signature	Final FR Publication	Comments	Fall 2017 Reg Agenda NPRM	Fall 2017 Reg Agenda Final	PRAD
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target Actual or Current Planned																			
No		EGU GHG NSPS	OAR	5548.6	2	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target Actual or Current Planned																			
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units	Target Actual or Current Planned																			
No		NO2 NAAQS	OAR	5622	2	Review of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen	Target Actual or Current Planned																			
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target Actual or Current Planned																			
No		SO2 NAAQS	OAR	5747	1	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides	Target Actual or Current Planned																			
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target Actual or Current Planned																			
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule	Target Actual or Current Planned																			
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target Actual or Current Planned																			
No		Cement RTR	OAR	5890	2	National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry Residual Risk and Technology Review	Target Actual or Current Planned																			
No		Mid-term Evaluation	OAR	5899.1	2	Reconsideration of Final Determination: Mid Term Evaluation of Greenhouse Gas Emissions Standards for Model Year 2022-2025 Light Duty Vehicles	Target Actual or Current Planned																			
No		Turbine RTR	OAR	5909	2	Stationary Combustion Turbine RTR	Target Actual or Current Planned																			
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target Actual or Current Planned																			
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards–Ethylene Production	Target Actual or Current Planned																			
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target Actual or Current Planned																			

Ex. 5 Deliberative Process (DP)

No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review.*	Target
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Actual or Current Planned
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Actual or Current Planned
No		HCl RTR	OAR	6267	2	National Emission Standards for Hazardous Air Pollutants for Hydrochloric Acid Production Residual Risk and Technology Review	Target
Yes		CPP Replace	OAR	6346	1	State Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units	Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Netting	Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020Commencement: -	Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSPP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
No		Lead dust	OCSPP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Actual or Current Planned
Yes		WPS	OCSPP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
No		CBI	OEI	5757	2	Revisions to 40 CFR Part 2, Subpart b (Confidentiality of Business Information)	Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
Yes		CCR Remand	OLEM	5939	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1)	Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process (ANPRM*)	Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Actual or Current Planned
No		UNDS Armed Forces II	OW	5772	2	Uniform National Discharge Standards for Vessels of the Armed Forces--Phase II--Batch Two (UNDS)*	Target
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	Fall 2017 Reg Agenda NPRM	Fall 2017 Reg Agenda Final	PRAD
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target															
No		EGU GHG NSPS	OAR	5548.6	2	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target															
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units	Target															
No		NO2 NAAQS	OAR	5622	2	Review of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen	Target															
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target															
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides	Target															
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target															
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule	Target															
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target															
No		Cement RTR	OAR	5890	2	National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry Residual Risk and Technology Review	Target															
No		Mid-term Evaluation	OAR	5899.1	2	Reconsideration of Final Determination: Mid Term Evaluation of Greenhouse Gas Emissions Standards for Model Year 2022-2025 Light Duty Vehicles	Target															
No		Turbine RTR	OAR	5909	2	Stationary Combustion Turbine RTR	Target															
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target															
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target															
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target															

Ex. 5 Deliberative Process (DP)

No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Actual or Current Planned
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Actual or Current Planned
No		HCl RTR	OAR	6267	2	National Emission Standards for Hazardous Air Pollutants for Hydrochloric Acid Production Residual Risk and Technology Review	Target
Yes		CPP Replace	OAR	6346	1	State Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units	Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Netting	Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020Commencement: -	Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target Actual or Current Planned
No		CBI	OEI	5757	2	Revisions to 40 CFR Part 2, Subpart b (Confidentiality of Business Information)	Target Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target Actual or Current Planned
Yes		CCR Remand	OLEM	5939	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1)	Target Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process (ANPRM*)	Target Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	Fall 2017 Reg Agenda NPRM	Fall 2017 Reg Agenda Final	PRAD
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target															
No		EGU GHG NSPS	OAR	5548.6	2	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target															
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units	Target															
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target															
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides	Target															
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target															
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule	Target															
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target															
No		Cement RTR	OAR	5890	2	National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry Residual Risk and Technology Review	Target															
No		Turbine RTR	OAR	5909	2	Stationary Combustion Turbine RTR	Target															
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target															
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target															
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target															

Ex. 5 Deliberative Process (DP)

No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Actual or Current Planned
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Actual or Current Planned
No		HCl RTR	OAR	6267	2	National Emission Standards for Hazardous Air Pollutants for Hydrochloric Acid Production Residual Risk and Technology Review	Target
Yes		CPP Replace	OAR	6346	1	State Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units	Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
No		RF5	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020Commencement: -	Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
No		CBI	OGC	5757	2	Revisions to 40 CFR Part 2, Subpart b (Confidentiality of Business Information)	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities; Amendments to the National Minimum Criteria (Phase 1)	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process (ANPRM*)	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	Fall 2017 Reg Agenda NPRM	Fall 2017 Reg Agenda Final	PRAD
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target	<div>Ex. 5 Deliberative Process (DP)</div>														
							Actual or Current Planned															
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target															
							Actual or Current Planned															
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units	Target															
							Actual or Current Planned															
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target															
							Actual or Current Planned															
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides	Target															
							Actual or Current Planned															
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target															
							Actual or Current Planned															
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule	Target															
							Actual or Current Planned															
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target															
							Actual or Current Planned															
No		Turbine RTR	OAR	5909	2	Stationary Combustion Turbine RTR	Target															
							Actual or Current Planned															
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target															
							Actual or Current Planned															
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target															
							Actual or Current Planned															
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target															
							Actual or Current Planned															
No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target															
							Actual or Current Planned															

No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Target
							Actual or Current Planned
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
							Actual or Current Planned
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Target
							Actual or Current Planned
Yes		CPP Replace	OAR	6346	1	State Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units	Target
							Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
							Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020Commencement: -	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	Rulemaking to Establish Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements; Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1)	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process (ANPRM*)	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	Fall 2017 Reg Agenda NPRM	Fall 2017 Reg Agenda Final	PRAD
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target															
							Actual or Current Planned															
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target															
							Actual or Current Planned															
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units	Target															
							Actual or Current Planned															
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target															
							Actual or Current Planned															
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides	Target															
							Actual or Current Planned															
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target															
							Actual or Current Planned															
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule	Target															
							Actual or Current Planned															
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target															
							Actual or Current Planned															
No		Turbine RTR	OAR	5909	2	Stationary Combustion Turbine RTR	Target															
							Actual or Current Planned															
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target															
							Actual or Current Planned															
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target															
							Actual or Current Planned															
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target															
							Actual or Current Planned															
No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target															
							Actual or Current Planned															

Ex. 5 Deliberative Process (DP)

No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Target
							Actual or Current Planned
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
							Actual or Current Planned
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Target
							Actual or Current Planned
Yes		CPP Replace	OAR	6346	1	State Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units	Target
							Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
							Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020Commencement: -	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	The Safer and Affordable Fuel Efficient (SAFE) Vehicles Rule, MY2021-2026	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements; Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1)	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process (ANPRM*)	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	Fall 2017 Reg Agenda NPRM	Fall 2017 Reg Agenda Final	PRAD
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target															
							Actual or Current Planned															
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target															
							Actual or Current Planned															
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units	Target															
							Actual or Current Planned															
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target															
							Actual or Current Planned															
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides	Target															
							Actual or Current Planned															
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target															
							Actual or Current Planned															
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule	Target															
							Actual or Current Planned															
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target															
							Actual or Current Planned															
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target															
							Actual or Current Planned															
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target															
							Actual or Current Planned															
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target															
							Actual or Current Planned															
No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target															
							Actual or Current Planned															
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Target															
							Actual or Current Planned															

Ex. 5 Deliberative Process (DP)

No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
							Actual or Current Planned
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Target
							Actual or Current Planned
Yes		CPP Replace	OAR	6346	1	State Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units	Target
							Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
							Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020 Commencement	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements; Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939.2	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1, Part	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process (ANPRM*)	Target
							Actual or Current Planned
			ORD	6781	1	Strengthening Transparency in Regulatory Science	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	PRAD
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target													
							Actual or Current Planned													
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target													
							Actual or Current Planned													
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (CPP Repeal)	Target													
							Actual or Current Planned													
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target													
							Actual or Current Planned													
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides (SO2 NAAQS)	Target													
							Actual or Current Planned													
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target													
							Actual or Current Planned													
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule (REGS)	Target													
							Actual or Current Planned													
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target													
							Actual or Current Planned													
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target													
							Actual or Current Planned													
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target													
							Actual or Current Planned													
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target													
							Actual or Current Planned													
No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target													
							Actual or Current Planned													
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Target													
							Actual or Current Planned													

Ex. 5 Deliberative Process (DP)

No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
							Actual or Current Planned
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Target
							Actual or Current Planned
Yes		CPP Replace	OAR	6346	1	Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units (Affordable Clean Energy rule)	Target
							Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
							Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews (MON)	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020 Commencement	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939.2	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1, Part 2)	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process	Target
							Actual or Current Planned
			ORD	6781	1	Strengthening Transparency in Regulatory Science	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	PRAD
			OAR	4908	2	NESHAP Amendment: General Provisions for Once In Always In	Target													
			OAR	4908	2	NESHAP Amendment: General Provisions for Once In Always In	Actual or Current Planned													
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target													
		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Actual or Current Planned													
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target													
		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Actual or Current Planned													
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (CPP Repeal)	Target													
		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (CPP Repeal)	Actual or Current Planned													
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target													
		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Actual or Current Planned													
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides (SO2 NAAQS)	Target													
		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides (SO2 NAAQS)	Actual or Current Planned													
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target													
		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Actual or Current Planned													
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule (REGS)	Target													
		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule (REGS)	Actual or Current Planned													
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target													
		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Actual or Current Planned													
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target													
		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Actual or Current Planned													
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target													
		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Actual or Current Planned													
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target													
		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Actual or Current Planned													
No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target													
		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Actual or Current Planned													
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Target													
		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Actual or Current Planned													

Ex. 5 Deliberative Process (DP)

No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
							Actual or Current Planned
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Target
							Actual or Current Planned
Yes		CPP Replace	OAR	6346	1	Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units (Affordable Clean Energy rule)	Target
							Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
							Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews (MON)	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020 Commencement	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939.2	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1, Part 2)	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process	Target
							Actual or Current Planned
			ORD	6781	1	Strengthening Transparency in Regulatory Science	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category - Reconsideration	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments
			OAR	4908	2	NESHAP Amendment: General Provisions for Once In Always In	Target												
							Actual or Current Planned												
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target												
							Actual or Current Planned												
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target												
							Actual or Current Planned												
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (CPP Repeal)	Target												
							Actual or Current Planned												
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target												
							Actual or Current Planned												
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides (SO2 NAAQS)	Target												
							Actual or Current Planned												
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target												
							Actual or Current Planned												
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule (REGS)	Target												
							Actual or Current Planned												
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target												
							Actual or Current Planned												
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target												
							Actual or Current Planned												
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target												
							Actual or Current Planned												
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target												
							Actual or Current Planned												
No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target												
							Actual or Current Planned												
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Target												
							Actual or Current Planned												

Ex. 5 Deliberative Process (DP)

No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
							Actual or Current Planned
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Target
							Actual or Current Planned
Yes		CPP Replace	OAR	6346	1	Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units (Affordable Clean Energy rule)	Target
							Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
							Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews (MON)	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020 Commencement	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSPP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSPP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
Yes		WPS	OCSPP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939.2	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities; Amendments to the National Minimum Criteria (Phase 1, Part	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process	Target
							Actual or Current Planned
			ORD	6781	1	Strengthening Transparency in Regulatory Science	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category - Reconsideration	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	PRAD
			OAR	4908	2	Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act (Once In, Always In)	Target													
							Actual or Current Planned													
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target													
							Actual or Current Planned													
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (CPP Repeal)	Target													
							Actual or Current Planned													
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target													
							Actual or Current Planned													
No		SO2 NAAQS	OAR	5747	2	Review of the Primary SO2 NAAQS	Target													
							Actual or Current Planned													
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target													
							Actual or Current Planned													
No		Engine RTR	OAR	5911	2	Engine Test Cells/Standards RTR	Target													
							Actual or Current Planned													
No		Ethylene RTR	OAR	5914	2	Ethylene Production RTR	Target													
							Actual or Current Planned													
No		II&S RTR	OAR	5919	2	Integrated Iron and Steel Manufacturing Facilities RTR	Target													
							Actual or Current Planned													
			OAR	5925	2	Taconite Iron Ore Processing RTR	Target													
							Actual or Current Planned													
No		Reinforced Plastics & Boat RTR	OAR	5930	2	Reinforced Plastics Composites and Boat Manufacturing RTR	Target													
							Actual or Current Planned													
			OAR	5948	2	Lime Manufacturing RTR	Target													
							Actual or Current Planned													
			OAR	5962	2	Iron and Steel Foundries RTR	Target													
							Actual or Current Planned													
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target													
							Actual or Current Planned													

Ex. 5 Deliberative Process (DP)

No		Asphalt RTR	OAR	5988	2	Asphalt Processing and Asphalt Roofing Manufacturing RTR	Target
							Actual or Current Planned
Yes		CPP Replace	OAR	6346	1	Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units (Affordable Clean Energy rule)	Target
							Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing (MON) RTR	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020 Commencement	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks	Target
							Actual or Current Planned
			OAR	6838	2	MSW Landfills RTR	Target
							Actual or Current Planned
			OAR	6839	2	MSW Landfills Reconsideration	Target
							Actual or Current Planned
			OAR	6884	2	Renewable Fuel Standard Program Modification of Applicable Volumes (Reset)	Target
							Actual or Current Planned
			OAR	6928	2	Site Remediation RTR	Target
							Actual or Current Planned
			OAR	6934	2	Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSP	5007.1	2	Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
			OCSP	5830	1	Methylene Chloride	Target
							Actual or Current Planned
			OCSP	6015	2	Regulation of Persistent, Biocumulative, and Toxic Chemicals under TSCA 6(h)	Target
							Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
			OLEM	5350.2	1	Financial Responsibility Requirements under CERCLA Section 108(b) for the Additional Classes	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
			OLEM	5939.1	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues from Electric Utilities: Amendments to the National Minimum Criteria (Phase 2)	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939.2	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1, Part 2)	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category - Reconsideration	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned
			OW	6682	2	Clean Water Act 404 Assumption Update Regulation	Target
							Actual or Current Planned
			OW	6694	2	Peak Flows Management	Target
							Actual or Current Planned
			OW	6948	2	Clean Water Act Section 404(c) Regulatory Revision	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	PRAD
			OAR	4908	2	Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act (Once In, Always In)	Target													
							Actual or Current Planned													
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target													
							Actual or Current Planned													
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (CPP Repeal)	Target													
							Actual or Current Planned													
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target													
							Actual or Current Planned													
No		SO2 NAAQS	OAR	5747	2	Review of the Primary SO2 NAAQS	Target													
							Actual or Current Planned													
No		Ethylene RTR	OAR	5914	2	Ethylene Production RTR	Target													
							Actual or Current Planned													
No		II&S RTR	OAR	5919	2	Integrated Iron and Steel Manufacturing Facilities RTR	Target													
							Actual or Current Planned													
			OAR	5925	2	Taconite Iron Ore Processing RTR	Target													
							Actual or Current Planned													
No		Reinforced Plastics & Boat RTR	OAR	5930	2	Reinforced Plastics Composites and Boat Manufacturing RTR	Target													
							Actual or Current Planned													
			OAR	5948	2	Lime Manufacturing RTR	Target													
			OAR	5962	2	Iron and Steel Foundries RTR	Actual or Current Planned													
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target													
							Actual or Current Planned													
No		Asphalt RTR	OAR	5988	2	Asphalt Processing and Asphalt Roofing Manufacturing RTR	Target													
							Actual or Current Planned													
Yes		CPP Replace	OAR	6346	1	Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units (Affordable Clean Energy rule)	Target													
							Actual or Current Planned													

Ex. 5 Deliberative Process (DP)

No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing (MON) RTR	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks	Target
							Actual or Current Planned
			OAR	6838	2	MSW Landfills RTR	Target
							Actual or Current Planned
			OAR	6839	2	MSW Landfills Reconsideration	Target
							Actual or Current Planned
			OAR	6884	2	Renewable Fuel Standard Program Modification of Applicable Volumes (Reset)	Target
							Actual or Current Planned
			OAR	6928	2	Site Remediation RTR	Target
							Actual or Current Planned
			OAR	6934	2	Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Target
							Actual or Current Planned
Yes		Pesticide Age Requirements	OCSP	5007.1	2	Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
			OCSP	5830	1	Methylene Chloride	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

			OCSP	6015	2	Regulation of Persistent, Biocumulative, and Toxic (PBT) Chemicals under TSCA 6(h)	Target
							Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
			OLEM	5350.2	2	Financial Responsibility Requirements under CERCLA Section 108(b) for the Additional Classes	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
			OLEM	5939.1	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues from Electric Utilities: Amendments to the National Minimum Criteria (Phase 2)	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939.2	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1, Part 2)	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category - Reconsideration	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned
			OW	6682	2	Clean Water Act 404 Assumption Update Regulation	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

OW	6694	2	Peak Flows Management	Target
				Actual or Current Planned
OW	6948	2	Clean Water Act Section 404(c) Regulatory Revision	Target
				Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Schedule Tracking for 13 Priority Actions
(*Dates pulled on 4-2-20)

]

Office	Title	Status	NPRM Early Guidance	NPRM Option Selectio n	NPRM FAR	NPRM to OMB	NPRM Signatur e	Final Early Guidance	Final Option Selecti on	Final FAR	Final to OMB	Final Signatur e	Comments
OAR	Cleaner Trucks Initiative	Target											
		Actual or Current Planned											
OAR	Increasing Consistency and Transparency in Considering Benefits and Costs in the Clean Air Act Rulemaking Process	Target											
		Actual or Current Planned											
OAR	PM NAAQS Review	Target											
		Actual or Current Planned											
OAR	Ozone NAAQS Review	Target											
		Actual or Current Planned											
OAR	Oil and Gas NSPS Review ("Policy Package")	Target											
		Actual or Current Planned											
OCSP	Review of Dust Lead Clearance Levels	Target											
		Actual or Current Planned											
OCSP	Updates to PIPs Exemptions	Target											
		Actual or Current Planned											
OLEM	CCR Litigation Response Part B - Alternative Demonstration for Unlined Surface Impoundments & Request for Comment on Legacy	Target											
		Actual or Current Planned											
OLEM	CCR Litigation Response Part A - Revision of "Cease Receipt of Waste" Deadline for CCR Surface Impoundments	Target											
		Actual or Current Planned											
OW	Steam Electric ELG Reconsideration	Target											
		Actual or Current Planned											
OW	Lead and Copper NPDWR - Long Term Revisions	Target											
		Actual or Current Planned											
OP	Procedures for Issuing Guidance Documents	Target											
		Actual or Current Planned											
ORD	Strengthening Transparency in Regulatory Science	Target											
		Actual or Current Planned											

Ex. 5 Deliberative Process (DP)

Color Key	
Completed Milestones Color Key	
On or before target date	
Within 1 month of target date	
1 month to 3 months after target date	
3 months or more after target date	
Outstanding Milestones Color Key	
Late but within 1 month of target date	
Late by 1 month to 3 months after target date	
Late by 3 months or more after target date	

Abbreviations
N/A No dates in ADP Tracker yet or specific milestone does not apply to Tier 3 rule.

Color Key:	
	On or before target date
	Within 1 month of target date
	1 month to 3 months after target date
	3 months or more after target date
Bold with Dots	Next upcoming milestone
	Please review and address comment.

Criteria for Inclusion on List of Priority Actions:

Ex. 5 Deliberative Process (DP)

Statistics for: July 2018 Report

Office	# Actions with upcoming milestone more than 30 days behind schedule	Total # Actions	Comments
OAR	23	25	
OCSPP	2	3	
OLEM	0	3	
OP	0	1	
ORD	0	1	
OW	2	5	*Missing milestone target dates for 3 of 5 actions.
Total	27	38	

Abbreviations:	
[Blank]	No dates in ADP Tracker.
[9999]	Placeholder in ADP Tracker.
FR	Dates except for signature not shown for final rule milestone until comment period has ended.
Waived	Milestone officially waived.
N/A	Milestone does not apply (Tier 3 or not a regulation).
NS	Non-significant (no OMB review). NS? indicates that OMB has not yet made the determination.
[late]	Milestone date has passed but ADP Tracker has not been updated with new schedule or actual completed date.
Moot	Milestone overtaken by events and did not occur.

Preliminary Actions to add to list after Fall 2018 Agenda published

OAR 5925	Taconite Iron Ore Processing RTR (subpart RRRRR)
OAR 5948	Lime Manufacturing RTR (subpart AAAAA)
OAR 5962	Iron and Steel Foundries RTR (subpart EEEEE)
OAR 6838	MSW Landfills RTR
OAR 6839	MSW Landfills Reconsideration
OAR 6884	Renewable Fuel Standard Program Modification of Applicable Volumes
OAR 6928	Site Remediation RTR
OAR 6934	Miscellaneous Coating Manufacturing RTR
OCSPP 5830	Methylene Chloride
OCSPP 6015	Regulation of Persistent, Bioaccumulative, and Toxic Chemicals under TSCA 6(h)
OLEM 5350.2	Financial Responsibility Requirements under CERCLA Section 108(b) for the Additional Classes
OW 6682	Clean Water Act 404 Assumption Update Regulation
OW 6694	Peak Flows Management
OW 6948	Clean Water Act 404(c)

Message

From: Gunasekara, Mandy [gunasekara.Mandy@epa.gov]
Sent: 6/9/2020 1:22:17 PM
To: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]; Scott, Corey [scott.corey@epa.gov]
CC: Benevento, Douglas [benevento.douglas@epa.gov]; Molina, Michael [molina.michael@epa.gov]
Subject: RE: WH TPs

On it.

From: adm15.arwheeler.email <adm15.arwheeler.email@epa.gov>
Sent: Tuesday, June 9, 2020 9:22 AM
To: Scott, Corey <scott.corey@epa.gov>
Cc: Benevento, Douglas <benevento.douglas@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Molina, Michael <molina.michael@epa.gov>
Subject: Re: WH TPs

I need information on the cost benefit, science transparency and the stats on our guidance docs effort.

Sent from my iPhone

On Jun 8, 2020, at 6:55 PM, Scott, Corey <scott.corey@epa.gov> wrote:

Sir,

Here are your talking points for the White House meeting tomorrow.

Corey

Sent from my iPhone

Begin forwarded message:

From: "Gunasekara, Mandy" <gunasekara.Mandy@epa.gov>
Date: June 8, 2020 at 5:27:43 PM EDT
To: "Scott, Corey" <scott.corey@epa.gov>
Subject: WH TPs

Mandy M. Gunasekara
Chief of Staff, US EPA
C: 202-923-5320
“We serve at the pleasure of the President.”

<WH COS Meeting_Club for Growth.docx>

Message

From: Coxen, Carrie [coxen.carrie@epa.gov]
Sent: 6/8/2020 12:38:24 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
CC: Eng, Connie [Eng.Connie@epa.gov]; Garvey, Megan [garvey.megan@epa.gov]; Scott, Corey [scott.corey@epa.gov]
Subject: DOUG'S INTERNAL MONDAY, JUNE 8TH CALENDAR AND MATERIALS
Attachments: 06.08.2020 OP Attachment Tracking 13 Priority Rule.xlsx; 06.08.2020 Associate Deputy Administrator - OP Check in.docx

Doug,

Please see below for today's most updated schedule. Attached are materials for your check in with Brittany.

Thanks!
Carrie

10:00 AM – 10:30 AM

10:30 AM – 11:30 AM

11:00 AM – 11:30 AM

11:30 AM – 12:00 PM

12:00 PM – 12:30 PM

Ex. 5 Deliberative Process (DP)

2:00 PM – 3:00 PM

3:00 PM – 3:30 PM

3:30 PM – 4:00 PM

4:30 PM – 6:00 PM

Ex. 5 Deliberative Process (DP)



Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM ABP	NPRM Options Selection	NPRM FAR	NPRM to OMB	NPRM Signature	NPRM FR Publication	Comment Period End	Final Early Guidance	Final ABP	Final Options Selection	Final FAR	Final to OMB	Final Signature	Final FR Publication	Comments	OP Notes	Fall 2017 Reg Agenda NPRM	Fall 2017 Reg Agenda Final	PRAD
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target Actual or Current Planned																				
No		EGU GHG NSPS	OAR	5548.6	2	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target Actual or Current Planned																				
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units	Target Actual or Current Planned																				
No		NO2 NAAQS	OAR	5622	2	Review of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen	Target Actual or Current Planned																				
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target Actual or Current Planned																				
No		SO2 NAAQS	OAR	5747	1	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides	Target Actual or Current Planned																				
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target Actual or Current Planned																				
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule	Target Actual or Current Planned																				
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target Actual or Current Planned																				
No		Cement RTR	OAR	5890	2	National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry Residual Risk and Technology Review	Target Actual or Current Planned																				
No		Mid-term Evaluation	OAR	5899.1	2	Reconsideration of Final Determination: Mid Term Evaluation of Greenhouse Gas Emissions Standards for Model Year 2022-2025 Light Duty Vehicles	Target Actual or Current Planned																				
No		Turbine RTR	OAR	5909	2	Stationary Combustion Turbine RTR	Target Actual or Current Planned																				
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target Actual or Current Planned																				
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target Actual or Current Planned																				
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target Actual or Current Planned																				

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review;*	Target
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Actual or Current Planned
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Actual or Current Planned
No		HCI RTR	OAR	6267	2	National Emission Standards for Hazardous Air Pollutants for Hydrochloric Acid Production Residual Risk and Technology Review	Target
Yes		CPP Replace	OAR	6346	1	State Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units	Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Netting	Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020Commencement: -	Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSPP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target Actual or Current Planned
No		Lead dust	OCSPP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target Actual or Current Planned
Yes		WPS	OCSPP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target Actual or Current Planned
No		CBI	OEI	5757	2	Revisions to 40 CFR Part 2, Subpart b (Confidentiality of Business Information)	Target Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target Actual or Current Planned
Yes		CCR Remand	OLEM	5939	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1)	Target Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process (ANPRM*)	Target Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target Actual or Current Planned
No		UNDS Armed Forces II	OW	5772	2	Uniform National Discharge Standards for Vessels of the Armed Forces--Phase II--Batch Two (UNDS)*	Target Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM ABP	NPRM Options Selection	NPRM FAR	NPRM to OMB	NPRM Signature	NPRM FR Publication	Comment Period End	Final Early Guidance	Final ABP	Final Options Selection	Final FAR	Final to OMB	Final Signature	Final FR Publication	Comments	OP Notes	Fall 2017 Reg Agenda NPRM	Fall 2017 Reg Agenda Final
No		LDAR	OAR	5364	2	No indication of current milestone or completed milestones (on-schedule)	Target																			
No		EGU GHG NSPS	OAR	5548.6	2	No indication of current milestone or completed milestones (some delayed milestones)	Actual or Current Planned																			
Yes		CPP Repeal	OAR	5548.7	1	No indication of current milestone or completed milestones (some delayed milestones and no color if no dates)	Target																			
No		NO2 NAAQS	OAR	5622	2	Completed milestones cross-hatched (on-schedule)	Actual or Current Planned																			
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Completed milestones bold and larger font (on-schedule)	Target																			
No		SO2 NAAQS	OAR	5747	1	Completed milestones cross-hatched (some delayed milestones)	Actual or Current Planned																			
No		Aircraft GHG	OAR	5773.1	2	Completed milestones bold and dots and no color for uncompleted milestones (some delayed milestones)	Target																			
No		REGS	OAR	5845	2	Only late milestones are colored (some delayed milestones)	Actual or Current Planned																			
No		Ozone SIP	OAR	5870	2	Next milestone indicated in purple (on-schedule)	Target																			
No		Cement RTR	OAR	5890	2	Next milestone indicated in purple outline (some delays)	Actual or Current Planned																			
No		Mid-term Evaluation	OAR	5899.1	2	Next milestone in purple outline and no color if no milestone date (on-schedule)	Target																			
No		Turbine RTR	OAR	5909	2		Actual or Current Planned																			
No		Engine RTR	OAR	5911	2		Target																			
No		Ethylene RTR	OAR	5914	2		Actual or Current Planned																			
No		II&S RTR	OAR	5919	2		Target																			

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

No		Reinforced Plastics & Boat RTR	OAR	5930	2		Target Actual or Current Planned
No		Tire RTR	OAR	5949	2		Target Actual or Current Planned
No		Fuels Modernization	OAR	5983	2		Target Actual or Current Planned
No		Asphalt RTR	OAR	5988	2		Target Actual or Current Planned
No		HCI RTR	OAR	6267	2		Target Actual or Current Planned
Yes		CPP Replace	OAR	6346	1		Target Actual or Current Planned
No		Gliders	OAR	6459	1		Target Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2		Target Actual or Current Planned
No		OLD RTR	OAR	6503	2		Target Actual or Current Planned
No		NSR Netting	OAR	6598	2		Target Actual or Current Planned
No		O&G NSPS	OAR	6616	1		Target Actual or Current Planned
No		RFS	OAR	6642	1		Target Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSPP	5007.1	2		Target
No		Lead dust	OCSPP	5488	1		Actual or Current Planned
Yes		WPS	OCSPP	6331	2		Target
No		CBI	OEI	5757	2		Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3		Target
Yes		CCR Remand	OLEM	5939	3		Actual or Current Planned
Yes		HSSP	OLEM	5957	2		Target
1		Cost consistency	OP	6530	2		Actual or Current Planned
Yes		Lead & Copper	OW	5423	1		Target
No		Perchlorate	OW	5555	1		Actual or Current Planned
No		UNDS Armed Forces II	OW	5772	2		Target
Yes		WOTUS repeal	OW	6027	1		Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1		Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM ABP	NPRM Options Selection	NPRM FAR	NPRM to OMB	NPRM Signature	NPRM FR Publication	Comment Period End	Final Early Guidance	Final ABP	Final Options Selection	Final FAR	Final to OMB	Final Signature	Final FR Publication	Comments	Fall 2017 Reg Agenda NPRM	Fall 2017 Reg Agenda Final	PRAD
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target Actual or Current Planned																			
No		EGU GHG NSPS	OAR	5548.6	2	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target Actual or Current Planned																			
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units	Target Actual or Current Planned																			
No		NO2 NAAQS	OAR	5622	2	Review of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen	Target Actual or Current Planned																			
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target Actual or Current Planned																			
No		SO2 NAAQS	OAR	5747	1	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides	Target Actual or Current Planned																			
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target Actual or Current Planned																			
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule	Target Actual or Current Planned																			
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target Actual or Current Planned																			
No		Cement RTR	OAR	5890	2	National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry Residual Risk and Technology Review	Target Actual or Current Planned																			
No		Mid-term Evaluation	OAR	5899.1	2	Reconsideration of Final Determination: Mid Term Evaluation of Greenhouse Gas Emissions Standards for Model Year 2022-2025 Light Duty Vehicles	Target Actual or Current Planned																			
No		Turbine RTR	OAR	5909	2	Stationary Combustion Turbine RTR	Target Actual or Current Planned																			
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target Actual or Current Planned																			
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards—Ethylene Production	Target Actual or Current Planned																			
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target Actual or Current Planned																			

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review.*	Target
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Actual or Current Planned
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Actual or Current Planned
No		HCl RTR	OAR	6267	2	National Emission Standards for Hazardous Air Pollutants for Hydrochloric Acid Production Residual Risk and Technology Review	Target
Yes		CPP Replace	OAR	6346	1	State Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units	Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Netting	Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020Commencement: -	Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSPP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target Actual or Current Planned
No		Lead dust	OCSPP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target Actual or Current Planned
Yes		WPS	OCSPP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target Actual or Current Planned
No		CBI	OEI	5757	2	Revisions to 40 CFR Part 2, Subpart b (Confidentiality of Business Information)	Target Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target Actual or Current Planned
Yes		CCR Remand	OLEM	5939	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1)	Target Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process (ANPRM*)	Target Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target Actual or Current Planned
No		UNDS Armed Forces II	OW	5772	2	Uniform National Discharge Standards for Vessels of the Armed Forces--Phase II--Batch Two (UNDS)*	Target Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Actual or Current Planned
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Actual or Current Planned
No		HCl RTR	OAR	6267	2	National Emission Standards for Hazardous Air Pollutants for Hydrochloric Acid Production Residual Risk and Technology Review	Target
Yes		CPP Replace	OAR	6346	1	State Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units	Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Netting	Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020Commencement: -	Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
No		CBI	OEI	5757	2	Revisions to 40 CFR Part 2, Subpart b (Confidentiality of Business Information)	Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
Yes		CCR Remand	OLEM	5939	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1)	Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process (ANPRM*)	Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	Fall 2017 Reg Agenda NPRM	Fall 2017 Reg Agenda Final	PRAD
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target															
No		EGU GHG NSPS	OAR	5548.6	2	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target															
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units	Target															
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target															
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides	Target															
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target															
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule	Target															
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target															
No		Cement RTR	OAR	5890	2	National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry Residual Risk and Technology Review	Target															
No		Turbine RTR	OAR	5909	2	Stationary Combustion Turbine RTR	Target															
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target															
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target															
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target															

Ex. 5 Deliberative Process (DP)

No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Actual or Current Planned
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Actual or Current Planned
No		HCl RTR	OAR	6267	2	National Emission Standards for Hazardous Air Pollutants for Hydrochloric Acid Production Residual Risk and Technology Review	Target
Yes		CPP Replace	OAR	6346	1	State Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units	Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
No		RF5	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020Commencement: -	Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
No		CBI	OGC	5757	2	Revisions to 40 CFR Part 2, Subpart b (Confidentiality of Business Information)	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities; Amendments to the National Minimum Criteria (Phase 1)	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process (ANPRM*)	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	Fall 2017 Reg Agenda NPRM	Fall 2017 Reg Agenda Final	PRAD	
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target	Ex. 5 Deliberative Process (DP)															
							Actual or Current Planned																
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target																
							Actual or Current Planned																
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units	Target																
							Actual or Current Planned																
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target																
							Actual or Current Planned																
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides	Target																
							Actual or Current Planned																
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target																
							Actual or Current Planned																
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule	Target																
							Actual or Current Planned																
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target																
							Actual or Current Planned																
No		Turbine RTR	OAR	5909	2	Stationary Combustion Turbine RTR	Target																
							Actual or Current Planned																
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target																
							Actual or Current Planned																
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards–Ethylene Production	Target																
							Actual or Current Planned																
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target																
							Actual or Current Planned																
No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target																
							Actual or Current Planned																

Ex. 5 Deliberative Process (DP)

No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Target
							Actual or Current Planned
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
							Actual or Current Planned
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Target
							Actual or Current Planned
Yes		CPP Replace	OAR	6346	1	State Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units	Target
							Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
							Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020Commencement: -	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	Rulemaking to Establish Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSPP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSPP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
Yes		WPS	OCSPP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements; Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1)	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process (ANPRM*)	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	Fall 2017 Reg Agenda NPRM	Fall 2017 Reg Agenda Final	PRAD
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target															
							Actual or Current Planned															
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target															
							Actual or Current Planned															
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units	Target															
							Actual or Current Planned															
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target															
							Actual or Current Planned															
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides	Target															
							Actual or Current Planned															
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target															
							Actual or Current Planned															
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule	Target															
							Actual or Current Planned															
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target															
							Actual or Current Planned															
No		Turbine RTR	OAR	5909	2	Stationary Combustion Turbine RTR	Target															
							Actual or Current Planned															
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target															
							Actual or Current Planned															
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target															
							Actual or Current Planned															
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target															
							Actual or Current Planned															
No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target															
							Actual or Current Planned															

Ex. 5 Deliberative Process (DP)

No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Target
							Actual or Current Planned
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
							Actual or Current Planned
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Target
							Actual or Current Planned
Yes		CPP Replace	OAR	6346	1	State Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units	Target
							Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
							Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020Commencement: -	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	The Safer and Affordable Fuel Efficient (SAFE) Vehicles Rule, MY2021-2026	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements; Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1)	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process (ANPRM*)	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	Fall 2017 Reg Agenda NPRM	Fall 2017 Reg Agenda Final	PRAD
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target															
							Actual or Current Planned															
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target															
							Actual or Current Planned															
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units	Target															
							Actual or Current Planned															
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target															
							Actual or Current Planned															
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides	Target															
							Actual or Current Planned															
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target															
							Actual or Current Planned															
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule	Target															
							Actual or Current Planned															
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target															
							Actual or Current Planned															
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands Residual Risk and Technology Review	Target															
							Actual or Current Planned															
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target															
							Actual or Current Planned															
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target															
							Actual or Current Planned															
No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target															
							Actual or Current Planned															
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Target															
							Actual or Current Planned															

Ex. 5 Deliberative Process (DP)

No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
							Actual or Current Planned
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Target
							Actual or Current Planned
Yes		CPP Replace	OAR	6346	1	State Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units	Target
							Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
							Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020 Commencement	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements; Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939.2	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1, Part	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process (ANPRM*)	Target
							Actual or Current Planned
			ORD	6781	1	Strengthening Transparency in Regulatory Science	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	PRAD
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target													
							Actual or Current Planned													
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target													
							Actual or Current Planned													
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (CPP Repeal)	Target													
							Actual or Current Planned													
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target													
							Actual or Current Planned													
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides (SO2 NAAQS)	Target													
							Actual or Current Planned													
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target													
							Actual or Current Planned													
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule (REGS)	Target													
							Actual or Current Planned													
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target													
							Actual or Current Planned													
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target													
							Actual or Current Planned													
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target													
							Actual or Current Planned													
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target													
							Actual or Current Planned													
No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target													
							Actual or Current Planned													
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Target													
							Actual or Current Planned													

Ex. 5 Deliberative Process (DP)

No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
							Actual or Current Planned
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Target
							Actual or Current Planned
Yes		CPP Replace	OAR	6346	1	Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units (Affordable Clean Energy rule)	Target
							Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
							Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews (MON)	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020 Commencement	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939.2	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1, Part 2)	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process	Target
							Actual or Current Planned
			ORD	6781	1	Strengthening Transparency in Regulatory Science	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	PRAD
			OAR	4908	2	NESHAP Amendment: General Provisions for Once In Always In	Target													
							Actual or Current Planned													
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target													
							Actual or Current Planned													
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target													
							Actual or Current Planned													
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (CPP Repeal)	Target													
							Actual or Current Planned													
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target													
							Actual or Current Planned													
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides (SO2 NAAQS)	Target													
							Actual or Current Planned													
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target													
							Actual or Current Planned													
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule (REGS)	Target													
							Actual or Current Planned													
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target													
							Actual or Current Planned													
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target													
							Actual or Current Planned													
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target													
							Actual or Current Planned													
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target													
							Actual or Current Planned													
No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target													
							Actual or Current Planned													
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Target													
							Actual or Current Planned													

Ex. 5 Deliberative Process (DP)

No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
							Actual or Current Planned
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Target
							Actual or Current Planned
Yes		CPP Replace	OAR	6346	1	Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units (Affordable Clean Energy rule)	Target
							Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
							Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews (MON)	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020 Commencement	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
			OAR	6757	1	The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks	Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSPP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSPP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
Yes		WPS	OCSPP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939.2	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1, Part 2)	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process	Target
							Actual or Current Planned
			ORD	6781	1	Strengthening Transparency in Regulatory Science	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category - Reconsideration	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments
			OAR	4908	2	NESHAP Amendment: General Provisions for Once In Always In	Target												
							Actual or Current Planned												
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target												
							Actual or Current Planned												
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target												
							Actual or Current Planned												
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (CPP Repeal)	Target												
							Actual or Current Planned												
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target												
							Actual or Current Planned												
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides (SO2 NAAQS)	Target												
							Actual or Current Planned												
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target												
							Actual or Current Planned												
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule (REGS)	Target												
							Actual or Current Planned												
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target												
							Actual or Current Planned												
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target												
							Actual or Current Planned												
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target												
							Actual or Current Planned												
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target												
							Actual or Current Planned												
No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target												
							Actual or Current Planned												
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Target												
							Actual or Current Planned												

Ex. 5 Deliberative Process (DP)

No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
							Actual or Current Planned
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Target
							Actual or Current Planned
Yes		CPP Replace	OAR	6346	1	Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units (Affordable Clean Energy rule)	Target
							Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
							Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews (MON)	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020 Commencement	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSPP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSPP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
Yes		WPS	OCSPP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939.2	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities; Amendments to the National Minimum Criteria (Phase 1, Part	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process	Target
							Actual or Current Planned
			ORD	6781	1	Strengthening Transparency in Regulatory Science	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category - Reconsideration	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	PRAD
			OAR	4908	2	Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act (Once In, Always In)	Target													
							Actual or Current Planned													
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target													
							Actual or Current Planned													
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (CPP Repeal)	Target													
							Actual or Current Planned													
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target													
							Actual or Current Planned													
No		SO2 NAAQS	OAR	5747	2	Review of the Primary SO2 NAAQS	Target													
							Actual or Current Planned													
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target													
							Actual or Current Planned													
No		Engine RTR	OAR	5911	2	Engine Test Cells/Standards RTR	Target													
							Actual or Current Planned													
No		Ethylene RTR	OAR	5914	2	Ethylene Production RTR	Target													
							Actual or Current Planned													
No		II&S RTR	OAR	5919	2	Integrated Iron and Steel Manufacturing Facilities RTR	Target													
							Actual or Current Planned													
			OAR	5925	2	Taconite Iron Ore Processing RTR	Target													
							Actual or Current Planned													
No		Reinforced Plastics & Boat RTR	OAR	5930	2	Reinforced Plastics Composites and Boat Manufacturing RTR	Target													
							Actual or Current Planned													
			OAR	5948	2	Lime Manufacturing RTR	Target													
							Actual or Current Planned													
			OAR	5962	2	Iron and Steel Foundries RTR	Target													
							Actual or Current Planned													
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target													
							Actual or Current Planned													

Ex. 5 Deliberative Process (DP)

No		Asphalt RTR	OAR	5988	2	Asphalt Processing and Asphalt Roofing Manufacturing RTR	Target
							Actual or Current Planned
Yes		CPP Replace	OAR	6346	1	Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units (Affordable Clean Energy rule)	Target
							Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing (MON) RTR	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020 Commencement	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks	Target
							Actual or Current Planned
			OAR	6838	2	MSW Landfills RTR	Target
							Actual or Current Planned
			OAR	6839	2	MSW Landfills Reconsideration	Target
							Actual or Current Planned
			OAR	6884	2	Renewable Fuel Standard Program Modification of Applicable Volumes (Reset)	Target
							Actual or Current Planned
			OAR	6928	2	Site Remediation RTR	Target
							Actual or Current Planned
			OAR	6934	2	Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSP	5007.1	2	Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
			OCSP	5830	1	Methylene Chloride	Target
							Actual or Current Planned
			OCSP	6015	2	Regulation of Persistent, Biocumulative, and Toxic Chemicals under TSCA 6(h)	Target
							Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
			OLEM	5350.2	1	Financial Responsibility Requirements under CERCLA Section 108(b) for the Additional Classes	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
			OLEM	5939.1	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues from Electric Utilities: Amendments to the National Minimum Criteria (Phase 2)	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939.2	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1, Part 2)	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category - Reconsideration	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned
			OW	6682	2	Clean Water Act 404 Assumption Update Regulation	Target
							Actual or Current Planned
			OW	6694	2	Peak Flows Management	Target
							Actual or Current Planned
			OW	6948	2	Clean Water Act Section 404(c) Regulatory Revision	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	PRAD
			OAR	4908	2	Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act (Once In, Always In)	Target	<div>Ex. 5 Deliberative Process (DP)</div>												
							Actual or Current Planned													
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target													
							Actual or Current Planned													
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (CPP Repeal)	Target													
							Actual or Current Planned													
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target													
							Actual or Current Planned													
No		SO2 NAAQS	OAR	5747	2	Review of the Primary SO2 NAAQS	Target													
							Actual or Current Planned													
No		Ethylene RTR	OAR	5914	2	Ethylene Production RTR	Target													
							Actual or Current Planned													
No		II&S RTR	OAR	5919	2	Integrated Iron and Steel Manufacturing Facilities RTR	Target													
							Actual or Current Planned													
			OAR	5925	2	Taconite Iron Ore Processing RTR	Target													
							Actual or Current Planned													
No		Reinforced Plastics & Boat RTR	OAR	5930	2	Reinforced Plastics Composites and Boat Manufacturing RTR	Target													
							Actual or Current Planned													
			OAR	5948	2	Lime Manufacturing RTR	Target													
							Actual or Current Planned													
			OAR	5962	2	Iron and Steel Foundries RTR	Target													
							Actual or Current Planned													
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target													
							Actual or Current Planned													
No		Asphalt RTR	OAR	5988	2	Asphalt Processing and Asphalt Roofing Manufacturing RTR	Target													
							Actual or Current Planned													
Yes		CPP Replace	OAR	6346	1	Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units (Affordable Clean Energy rule)	Target													
							Actual or Current Planned													

No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing (MON) RTR	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks	Target
							Actual or Current Planned
			OAR	6838	2	MSW Landfills RTR	Target
							Actual or Current Planned
			OAR	6839	2	MSW Landfills Reconsideration	Target
							Actual or Current Planned
			OAR	6884	2	Renewable Fuel Standard Program Modification of Applicable Volumes (Reset)	Target
							Actual or Current Planned
			OAR	6928	2	Site Remediation RTR	Target
							Actual or Current Planned
			OAR	6934	2	Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Target
							Actual or Current Planned
Yes		Pesticide Age Requirements	OCSP	5007.1	2	Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
			OCSP	5830	1	Methylene Chloride	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

			OCSP	6015	2	Regulation of Persistent, Biocumulative, and Toxic (PBT) Chemicals under TSCA 6(h)	Target
							Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
			OLEM	5350.2	2	Financial Responsibility Requirements under CERCLA Section 108(b) for the Additional Classes	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
			OLEM	5939.1	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues from Electric Utilities: Amendments to the National Minimum Criteria (Phase 2)	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939.2	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1, Part 2)	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category - Reconsideration	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned
			OW	6682	2	Clean Water Act 404 Assumption Update Regulation	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

OW	6694	2	Peak Flows Management	Target
				Actual or Current Planned
OW	6948	2	Clean Water Act Section 404(c) Regulatory Revision	Target
				Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Schedule Tracking for 13 Priority Actions
(*Dates pulled on 4-2-20)

]

Office	Title	Status	NPRM Early Guidance	NPRM Option Selectio n	NPRM FAR	NPRM to OMB	NPRM Signatur e	Final Early Guidance	Final Option Selecti on	Final FAR	Final to OMB	Final Signatur e	Comments
OAR	Cleaner Trucks Initiative	Target											
		Actual or Current Planned											
OAR	Increasing Consistency and Transparency in Considering Benefits and Costs in the Clean Air Act Rulemaking Process	Target											
		Actual or Current Planned											
OAR	PM NAAQS Review	Target											
		Actual or Current Planned											
OAR	Ozone NAAQS Review	Target											
		Actual or Current Planned											
OAR	Oil and Gas NSPS Review ("Policy Package")	Target											
		Actual or Current Planned											
OCSP	Review of Dust Lead Clearance Levels	Target											
		Actual or Current Planned											
OCSP	Updates to PIPs Exemptions	Target											
		Actual or Current Planned											
OLEM	CCR Litigation Response Part B - Alternative Demonstration for Unlined Surface Impoundments & Request for Comment on Legacy	Target											
		Actual or Current Planned											
OLEM	CCR Litigation Response Part A - Revision of "Cease Receipt of Waste" Deadline for CCR Surface Impoundments	Target											
		Actual or Current Planned											
OW	Steam Electric ELG Reconsideration	Target											
		Actual or Current Planned											
OW	Lead and Copper NPDWR - Long Term Revisions	Target											
		Actual or Current Planned											
OP	Procedures for Issuing Guidance Documents	Target											
		Actual or Current Planned											
ORD	Strengthening Transparency in Regulatory Science	Target											
		Actual or Current Planned											

Ex. 5 Deliberative Process (DP)

Color Key	
Completed Milestones Color Key	
On or before target date	
Within 1 month of target date	
1 month to 3 months after target date	
3 months or more after target date	
Outstanding Milestones Color Key	
Late but within 1 month of target date	
Late by 1 month to 3 months after target date	
Late by 3 months or more after target date	

Abbreviations
N/A No dates in ADP Tracker yet or specific milestone does not apply to Tier 3 rule.

Color Key:	
	On or before target date
	Within 1 month of target date
	1 month to 3 months after target date
	3 months or more after target date
Bold with Dots	Next upcoming milestone
	Please review and address comment.

Criteria for Inclusion on List of Priority Actions:

Ex. 5 Deliberative Process (DP)

Statistics for:	July 2018 Report
-----------------	------------------

Office	# Actions with upcoming milestone more than 30 days behind schedule	Total # Actions	Comments
OAR	23	25	
OCSPP	2	3	
OLEM	0	3	
OP	0	1	
ORD	0	1	
OW	2	5	*Missing milestone target dates for 3 of 5 actions.
Total	27	38	

Abbreviations:	
[Blank]	No dates in ADP Tracker.
[9999]	Placeholder in ADP Tracker.
FR	Dates except for signature not shown for final rule milestone until comment period has ended.
Waived	Milestone officially waived.
N/A	Milestone does not apply (Tier 3 or not a regulation).
NS	Non-significant (no OMB review). NS? indicates that OMB has not yet made the determination.
[late]	Milestone date has passed but ADP Tracker has not been updated with new schedule or actual completed date.
Moot	Milestone overtaken by events and did not occur.

Preliminary Actions to add to list after Fall 2018 Agenda published

OAR 5925	Taconite Iron Ore Processing RTR (subpart RRRRR)
OAR 5948	Lime Manufacturing RTR (subpart AAAAA)
OAR 5962	Iron and Steel Foundries RTR (subpart EEEEE)
OAR 6838	MSW Landfills RTR
OAR 6839	MSW Landfills Reconsideration
OAR 6884	Renewable Fuel Standard Program Modification of Applicable Volumes
OAR 6928	Site Remediation RTR
OAR 6934	Miscellaneous Coating Manufacturing RTR
OCSPP 5830	Methylene Chloride
OCSPP 6015	Regulation of Persistent, Bioaccumulative, and Toxic Chemicals under TSCA 6(h)
OLEM 5350.2	Financial Responsibility Requirements under CERCLA Section 108(b) for the Additional Classes
OW 6682	Clean Water Act 404 Assumption Update Regulation
OW 6694	Peak Flows Management
OW 6948	Clean Water Act 404(c)

Message

From: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Sent: 5/11/2020 10:36:48 AM
To: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
CC: Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]
Subject: Hill Document Received From Press
Attachments: johnsonmemo.pdf

Sir, we received an Inside EPA inquiry late on Friday regarding the attached document. It appears to be a memo regarding two briefings the Agency conducted for the House Science Committee. Would like to discuss briefly this morning at the 8:30.

Thank you,
Joe

Joseph A. Brazauskas Jr.
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
(202) 564-5189

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6375
www.science.house.gov

May 6, 2020

Dear Democratic Members of the Committee on Science, Space, and Technology:

For years, opponents of strong public health protections and environmental regulations have attempted to wield the concept of “transparency” as a pretense to weaken environmental and public health safeguards. I have seen this effort take a number of different forms. All share the same goal: to undermine the Environmental Protection Agency’s (EPA) ability to use the best available science in crafting environmental and public health standards. The latest manifestation of this dangerous idea, which many of you are familiar with as Members of this Committee, is the EPA’s “Strengthening Transparency in Regulatory Science” rule, which was first proposed in April 2018 and updated with a Supplemental Notice of Proposed Rulemaking (SNPRM) in March 2020. The rule would prohibit EPA from considering a scientific study in Agency rulemaking unless the study’s underlying data and models are publicly available in a manner sufficient for independent validation. Stakeholders across the scientific, environmental, and public health communities vehemently oppose the rule because it would threaten the Agency’s ability to consider studies that are unable to publish their underlying data due to longstanding privacy laws and guidelines governing the use of individual health and medical data in scientific research. I chaired a full Committee hearing about the proposed rule on November 13, 2019, and many of you joined me in expressing serious concerns about the rule’s potential impact on the environment and public health. On April 24, the EPA’s Science Advisory Board issued its comments on the rule. The SAB said that the Agency has not justified “why existing procedures and norms utilized in the U.S. scientific community, including the federal government, are inadequate, and how the Proposed Rule will improve transparency and the scientific integrity of the regulatory outcomes.” They went on to warn that it may lead to “inappropriate exclusion of scientifically important studies.”¹ Nevertheless, EPA has continued to move forward with the rule.

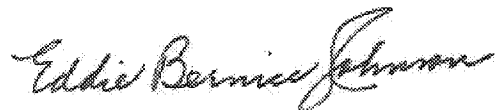
After EPA published the SNPRM on March 18, I requested that the Agency brief Committee staff on the content of the supplemental. Two briefings took place, on April 2 and April 14. Staff

¹ Letter from the Environmental Protection Agency Science Advisory Board to Administrator Andrew Wheeler, April 24, 2020, accessed here:
[https://yosemite.epa.gov/sab/sabproduct.nsf/LookupWebReportsLastMonthBOARD/2DB3986BB8390B308525855890630FCB/\\$File/EPA-SAB-20-005.pdf](https://yosemite.epa.gov/sab/sabproduct.nsf/LookupWebReportsLastMonthBOARD/2DB3986BB8390B308525855890630FCB/$File/EPA-SAB-20-005.pdf)

concluded that the Agency provided important new information about the rule and summarized the briefings in a memorandum to me. Due to the current extraordinary situation, during which the opportunities for the Committee to publicly engage with the Agency on the rule may be limited, I am attaching the staff memo to this letter so that you may review its contents. If you have any questions regarding the contents of the memo, please contact the staff of the Committee for further information.

Thank you for your dedication to upholding the role of science in federal policymaking. Now more than ever, it is clear that science must lead the way rather than politics or ideology. I agree with the SAB that the rule as written "risks serious and perverse outcomes." I am proud of the Committee's work and remain confident that we will continue to stand for rational, science-based policies in these difficult times.

Sincerely,

A handwritten signature in cursive script that reads "Eddie Bernice Johnson". The signature is written in dark ink and is positioned above the printed name.

Eddie Bernice Johnson
Chairwoman
Committee on Science, Space, and Technology

MEMORANDUM

TO: Chairwoman Johnson
FROM: Democratic Staff, Committee on Science, Space, and Technology
DATE: April 30, 2020
RE: Summary of Staff-Level Briefings from the Environmental Protection Agency on the “Strengthening Transparency in Regulatory Science” Supplemental Proposed Rule

Background

On March 20, you sent a letter to EPA Administrator Andrew Wheeler requesting that the Agency extend the public comment period of the Supplemental Notice of Proposed Rulemaking (SNPRM) for the “Strengthening Transparency in Regulatory Science” proposed rule. In the letter, you requested a staff-level briefing on the rule, to occur by March 27. On April 2, EPA provided Committee staff with an hour-long phone briefing, and the Agency accommodated Committee staff’s request for a 90-minute follow-up briefing on April 14.

The briefing was provided by representatives from the EPA Office of General Counsel, the Office of Research and Development, and the Office of Congressional and Intergovernmental Relations.

Application of the Rule to Regulations Up for Review

EPA has frequently dodged and obfuscated when asked whether the rule would apply to existing regulations that are up for review. In one such instance, Dr. Jennifer Orme-Zavaleta, at the November 2019 Committee hearing, was asked whether the rule would be applied to regulations EPA was opening up for reconsideration, whether on a statutory basis or at the Agency’s own discretion. She responded, “should this rule be finalized, then it will apply prospectively to new rules and regulations.” While it was obvious at face value that this would open up existing regulations to being reworked under the confines of the proposed rule, EPA did not acknowledge this until the April 2 phone briefing, confirming to staff that the rule’s application to “prospective rulemaking” includes statutorily mandated reviews of existing standards, such as the National Ambient Air Quality Standards (NAAQS).

Clarification on the Designation of Influential Scientific Information

EPA clarified that the designation of Influential Scientific Information (ISI) – which the Agency added to the scope of the rule in the SNPRM – would be made by the office producing the work product. This designation would occur at the initiation of the product, meaning that every study considered by the Agency in writing a rule, regulation, risk assessment, and more would be subject to these data transparency requirements.

In describing the breadth of the rule’s impact on ISI, an EPA representative stated that the rule would only apply to “pivotal” studies used in a piece of ISI, rather than those that provide

“context.” This is not made clear in the text of the rule and would constitute a significant narrowing of the rule’s scope. If EPA intends the rule to only apply to a select few studies underlying ISI work products, it must be made explicit in the final version of the rule.

Tiered Access Approach

EPA provided far more detail on the so-called “tiered access” approach than what was presented in the SNPRM. For the first time, EPA told Committee staff that the burden of implementing this proposal would be on researchers. EPA’s envisioned implementation – absent from the text of the SNPRM – would be as follows:

- EPA staff would reach out to the researchers involved in a study that the Agency wants to consider during the development of significant regulatory actions or Influential Scientific Information.
- The researchers would be responsible for managing the logistics of making the data and models publicly available in a manner that complies with the rule, in consultation with EPA staff.
- The researchers would be responsible for judging the sensitivity of the study’s data and models and what information can or cannot be made publicly available through tiered access.
- The researchers would decide what tier of access should be designated for different types of information.

EPA was not able to say how conflicts between the researcher’s judgment and the Agency’s judgment would be handled. They were also inconsistent concerning how the data and models would be managed. While they largely placed the responsibility on the researchers, they also discussed the secure data enclave pilot project the Agency is conducting with the Centers for Disease Control (CDC). The latter would involve CDC hosting the data and models on its own servers, with CDC personnel working at the secure data enclave reviewing research proposals submitted by members of the public seeking to conduct their own analyses of study data and determining the level of access to grant on a case-by-case basis. While the CDC pilot project is mentioned in the SNPRM, this is the first time the Agency has described an implementation scenario that would potentially place such a large responsibility on an outside agency. EPA also raised the possibility that the data could be stored on multiple outside “secure enclaves,” managed by CDC or another third party, who would also be responsible for reviewing research proposals.

Between the two implementation scenarios presented by EPA, it is notable that the bulk of the responsibility for instituting new methods for access to data and models falls on outside parties. This is problematic considering EPA’s assertion that the rule is “a proposed internal rule of agency procedure” and its plans to promulgate the rule under its Housekeeping Authority at 5 U.S.C. 301.

It is concerning that EPA has decided internally that key implementation responsibilities will fall on the research community without providing the same level of detail to the public as it provided to Committee staff. The research community cannot be expected to meaningfully comment on this proposal and its imposition on their research practices without such detail.

EPA Could Not Provide Additional Information for Several Topics

While Committee staff were able to learn the critically important new information detailed above, EPA was unable to answer many questions posed. Committee staff sought clarity on a number of policies presented in the SNPRM, including several logical gaps and inconsistencies arising from the text of the rule. EPA was largely unable to address these issues and frequently declined to answer questions, admitting that the Agency had simply not considered the issue this far into the rulemaking process. They explained that they hoped public commenters would provide the requisite insight on key implementation details. It is certainly true that public comments should always inform the rulemaking process, and we appreciate that EPA intends to carefully review the comments submitted for the SNPRM. However, on fundamental matters of structure and logic, the public comment period is no substitute for a well-reasoned, deliberative policymaking process. EPA's inability to answer basic questions about the rule's operation and implementation reflects the ill-conceived nature of the "Strengthening Transparency" rule. The Agency could not provide satisfactory answers on the following topics:

- *The role of "reanalysis" in future Agency rulemaking:* The SNPRM proposes a definition for the term "reanalyze." The definition addresses the characteristics of a reanalysis, but the SNPRM does not detail how any reanalysis would be integrated into EPA's rulemaking process for significant regulatory actions. During the briefing, EPA was unable to answer questions regarding how the Agency would handle a reanalysis conducted by a third party. Specifically, EPA acknowledged that it had not devised procedures for assessing a reanalysis during a rulemaking. EPA also did not know how the absence of peer review for a reanalysis would influence the incorporation of those findings into ISI or a rulemaking. Finally, EPA did not know how the Agency would balance the timeline of a rulemaking with the timeline of a reanalysis, given that a reanalysis of a major study can take years and may not be completed before a regulatory deadline. Despite its emphasis on publicly available data, EPA does not appear to have considered key aspects of how "reanalysis" would fit into and ultimately influence its regulatory actions, or how making underlying data publicly available for reanalysis would enhance the Agency's use of science.
- *The logistics of data storage:* The SNPRM does not directly address the issue of data storage, specifically how EPA intends to handle and store the enormous amount of data that would be made publicly available under the rule. Committee staff asked whether EPA had considered the data storage burden that the rule would create and where data would be stored. EPA could not answer either question. According to the Agency, EPA has not yet decided whether the data storage infrastructure would be hosted internally or externally. In terms of the responsibility for data storage, EPA questioned whether the rule would actually create a significant new burden but acknowledged that further consideration would be necessary. Two years after the publication of the proposed rule, the Agency still does not have a plan for how to carry out one of the most obvious implementation duties associated with the rule.
- *The "weighted system" alternative approach:* The SNPRM introduced a new alternative approach to the rule, whereby some studies would receive "greater consideration" than others

in Agency regulatory actions based upon the extent to which they are able to make their data and models publicly available for independent validation. During the briefing, however, EPA was unable to expand on how this potential weighted system would operate. The Agency has not identified implementation details for the weighting approach, including any concrete ideas about how the scale of a weighted system would be structured. The Agency also did not know what information would be contained in the “short description” explaining to the public why a given study received greater or lesser consideration, or even whether such descriptions would be quantitative or qualitative. Finally, the Agency said that further examination would be required to understand whether the weighted system might upend the traditional balance between certain types of studies in the regulatory process: for example, by compelling EPA scientists to give greater consideration to data from a small-scale animal study than a large-scale human epidemiological study. EPA’s consideration of the weighted system approach appears to be minimal thus far.

- *The need for a cost analysis:* Despite the new obligations that the rule would create for both the external research community and the Agency itself, neither the proposed rule nor the SNPRM contains any type of cost-benefit analysis. In the briefing, EPA stated that the Agency had not yet decided whether to conduct a cost analysis before finalizing the rule. EPA asserted that it was still evaluating whether a cost analysis was necessary, and that it would be difficult to make that decision before finalizing the text of the rule itself. EPA also did not know whether the focus of any potential cost analysis – if it occurs – would be the cost of the rule for the Agency, for the external research community, or both. EPA cannot answer the simple question of whether it plans to conduct a cost analysis for the rule, to say nothing of what the results of the analysis might be.
- *Legal authority and external obligations:* The SNPRM asserts that the Agency’s legal authority for the rule is derived from the Federal Housekeeping Statute (5 U.S.C. 301) because the rule is “a rule of internal agency procedure” that would “not regulate the conduct or determine the rights of any entity outside the federal government.” However, given the Agency’s explanation of the new obligations that would be placed upon external researchers to make their own data and models publicly available and determine the levels of restricted access that would apply to different categories of data, Committee staff asked how these obligations could be consistent with a rule of internal agency procedure. EPA did not have an answer, merely stating that the precise role for researchers within the framework established by the rule was not yet finalized and that comments from the public could consider this question. The Agency’s response did not address the logical inconsistency.

Ongoing Public Comment Period

Committee staff urged EPA to extend the comment period further due to the complexity of the SNPRM and the disruptions caused by the ongoing COVID-19 pandemic. EPA stated that the Agency views the current comment period as appropriate and believes that no further extension beyond May 18 is necessary. EPA claimed that the Agency is back to “business as usual” and that members of the public have sufficient time to deliver their comments. EPA also said that public hearings for the SNPRM will not be necessary because comments submitted to the written docket are the most effective and sufficient means for the public’s input.

Message

From: Woods, Andrea [Woods.Andrea@epa.gov]
Sent: 5/8/2020 10:10:12 PM
To: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]; Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Voyles, Travis [Voyles.Travis@epa.gov]
CC: Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Johnson, Taylor [Johnson.Taylor.C@epa.gov]; Walters, Ben [Walters.Ben@epa.gov]; Murray, William [Murray.William@epa.gov]
Subject: 5.08.20: Daily Media Report
Attachments: 5.08.20 Daily Media Brief.docx

Sir,

Please see today's media report below and attached:

Daily Media Brief - 5/08/20

Most common and notable inquiry topics

1. OIG announcement on EPA's response to COVID-19.

Politico/Alex Guillen

Topic: OIG review of pandemic response

Status: Responded (approved by OGC, Mandy and Doug)

Response: EPA is continuing our regulatory work while doing everything we can to help address environmental and public health issues surrounding COVID-19. We look forward to working with the OIG on this matter.

Also provided to The Hill (Rachel Frazin)

InsideEPA/Maria Hegstad

Topic: Response to internal House Science Committee memo on Science Transparency

Status: Responded (Approved by ORD, OCIR and Mandy)

Response: We decline to comment on this memo as it is not addressed to us. However, please see our press response to the Congresswoman's letter to Administrator Wheeler on Science Transparency.

[Approved Response submitted.]

CNN/Geneva Sands

Topic: COVID lanyards

Status: Developing response with OECA. Deadline is Monday.

Bloomberg Industry Group/Sylvia Carignan

Topic: Petition to modify ROD for Portland Harbor cleanup

Status: Developing response with OLEM. Deadline is Monday.

CQ Roll Call/David Jordan

Topic: Extending Transparency in Science comment period/Rep. Bernice Johnson letter

Status: Responded.

Response: EPA's high-performing workforce has shown its mettle supporting the fight against COVID-19 while also continuing to further EPA's mission of protecting human health and the environment. Since the COVID-19 outbreak, the Agency has received a diverse range of requests seeking additional flexibilities with

regard to regulatory actions, enforcement, comment period extensions, expediting certain approval processes and many more. We have given due consideration to each of these requests and responded as appropriate. In response to Chairwoman's early April request the Administrator has already extended the comment period for the Strengthening Transparency in Regulatory Science supplemental by an additional 30-days. The Agency believes the current 60 day period is sufficient time to submit comments. This fact is confirmed by the many comments already received by the Agency. We hope members take advantage of this extra time to submit constructive comments regarding this important rule. When completed, interested stakeholders will have had a total of 185 days to comment on both the April 2018 proposed rule and its supplemental.

EPA will respond to the Congresswoman's request through the proper channels.

Note: Timeline of events walking through the 185 day period provided to the reporter on background.

E&E News/Kelsey Brugger

Topic: Regulatory relief during COVID pandemic

Status: Responded (approved by OP)

Response: "EPA continues to advance the President's regulatory reform agenda, while also taking actions to protect public health during the COVID-pandemic. For instance, last week we announced a grant opportunity to help address COVID-19 concerns faced by low-income and minority communities."

E&E News/Maxine Joselow

Topic: SAFE rule lawsuit

Status: Responded (approved by OAR and OGC)

Response: The joint EPA and NHTSA SAFE Vehicles Rule reflects the realities of today's markets, including substantially lower fuel prices than in the original 2012 projection, significant increases in U.S. oil production, and growing consumer demand for larger vehicles. The rule increases U.S. competitiveness by reducing regulatory costs by as much as \$100 billion, and it is projected to boost new vehicle sales by up to 2.7 million vehicles, through model year 2029.

Also provided to Politico (Alex Guillen)

E&E News/Hannah Northey

Topic: COVID-19 and sewage

Status: Developing response with OW. Deadline is EOD

Inf'OGM/Christophe Noisette

Topic: Oxitec permit to release GM mosquitoes

Status: Developing response with OCSPP. Deadline not provided

Law 360/Michael Phillis

Topic: EPA Notice In Air Standards Case

Status: Responded (approved by OAR & OGC)

Response: "EPA does not comment on pending litigation."

Andrea Woods

Deputy Press Secretary

U.S. Environmental Protection Agency

Office of Public Affairs

202-564-2010

Daily Media Brief - 5/08/20

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Law 360/Michael Phillis

Topic: EPA Notice In Air Standards Case

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Response: "EPA does not comment on pending litigation."

Message

From: Woods, Andrea [Woods.Andrea@epa.gov]
Sent: 5/8/2020 7:04:21 PM
To: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
CC: Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Subject: RE: For Review: Roll Call Inquiry on Science Transparency - 3:30 DDL

I'll confirm that number with ORD and add it in. Thank you!

From: adm15.arwheeler.email <adm15.arwheeler.email@epa.gov>
Sent: Friday, May 8, 2020 3:01 PM
To: Woods, Andrea <Woods.Andrea@epa.gov>
Cc: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Molina, Michael <molina.michael@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: Re: For Review: Roll Call Inquiry on Science Transparency - 3:30 DDL

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On May 8, 2020, at 2:37 PM, Woods, Andrea <Woods.Andrea@epa.gov> wrote:

Hi Sir,

We received the below inquiry from Roll Call on Rep. Johnson's letter on Science Transparency. Our proposed response has been approved by David Dunlap and OCIR. Please let me know if you have any edits – the deadline on this is 3:30 PM:

Proposed Response:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: David Jordan <davidjordan@cqrollcall.com>
Sent: Friday, May 8, 2020 11:51 AM
To: Press <Press@epa.gov>
Subject: Request for Science rule extension

Hello,

I wanted to see if you had any information on whether the EPA would grant the request from Rep. Johnson for another extension on the public comment period for the Strengthening Transparency in Regulatory Science Rule.

I have a deadline of 3:30 today

Thank you,

--

**CQ Roll
Call**

FiscalNote

David Jordan

Energy and Environment Reporter | CQ Roll Call

E: davidjordan@cqrollcall.com

P: 202-650-6662

C: 703-919-8941

rollcall.com | info.cq.com | fiscalnote.com

<LTR - EBJ to Wheeler re SNPRM 5.6.pdf>

Message

From: Woods, Andrea [Woods.Andrea@epa.gov]
Sent: 5/8/2020 6:37:27 PM
To: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]; Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Molina, Michael [molina.michael@epa.gov]
CC: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Subject: For Review: Roll Call Inquiry on Science Transparency - 3:30 DDL
Attachments: LTR - EBJ to Wheeler re SNPRM 5.6.pdf

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--

**CQ Roll
Call**

FiscalNote

David Jordan

Energy and Environment Reporter | CQ Roll Call

E: davidjordan@cqrollcall.com

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C: 703-919-8941

rollcall.com | info.cq.com | fiscalnote.com

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6375

www.science.house.gov

May 6, 2020

The Honorable Andrew Wheeler
Administrator
Environmental Protection Agency
Office of the Administrator 1101A
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator Wheeler:

I write to you regarding the need for a further extension of the public comment period for EPA's supplemental notice of proposed rulemaking (SNPRM) to its "Strengthening Transparency in Regulatory Science" proposed rule. On March 20, 2020, I sent you a letter requesting an extension to the original 30-day comment period, which was set to end on April 17.¹ On April 2, you replied to my letter and informed me that EPA would extend the comment period for an additional 30 days until May 18. I support this initial extension, and I am glad that the Agency understands the need to accommodate the public's ability to participate in the rulemaking process in light of the widespread disruptions caused by the COVID-19 pandemic. However, I do not believe a 30-day extension sufficiently accommodates the public in general and the public health community in particular. May 18 is now less than two weeks away and the upheaval in American society – which was the Agency's rationale for the extension in the first place – has barely begun to ease. I urge you to forego an arbitrary timeline for the SNPRM and provide an additional extension of the public comment period, so that the public can have the meaningful opportunity to comment to which it is legally entitled.

As EPA itself acknowledges, the impact of the pandemic on the public's ability to participate in the rulemaking process must be one of the primary factors in determining the length of the comment period for the SNPRM. In your April 2 letter, you described COVID-19 as a "significant health crisis" and noted that President Trump declared a National Emergency due to the crisis on March 13, 2020. You also stated explicitly that the comment period would be

¹ House Committee on Science, Space, and Technology Chairwoman Eddie Bernice Johnson, Letter to EPA Administrator Andrew Wheeler, March 20, 2020, accessed here: <https://science.house.gov/imo/media/doc/2020-03-20%20EBJ%20to%20EPA%20re%20SNPRM.pdf>.

extended in response to widespread concerns regarding the impact of the pandemic. Since then, the disruption caused by the pandemic has only intensified and the presidential National Emergency declaration remains in effect. The Agency's rulemaking cannot proceed as if it exists in a vacuum. It must continually respond to the broader circumstances impacting the country.

EPA's accommodation of the public's ability to comment on the SNPRM is not only the right thing to do; it is also required by law. Under the Administrative Procedure Act, EPA must provide "interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments."² In accordance with the statute, Executive Order (EO) 13563 mandates that "to the extent feasible and permitted by law, each agency shall afford the public a meaningful opportunity to comment through the Internet on any proposed regulation, with a comment period that should generally be at least 60 days."³ Federal courts have similarly embraced the principle of a "meaningful opportunity" as the required standard for comment periods in federal rulemaking. As a particularly relevant example, an appellate court previously concluded that a federal agency "did not provide a meaningful opportunity for comment" on a rule due to the "exceedingly short duration of the comment period" and a sharp reduction in the duration of the comment period between different rulemakings for the same regulation.⁴

Amidst this extraordinary global pandemic, the Agency's 60-day comment period denies the public a meaningful opportunity to comment on the SNPRM. Even under normal circumstances, a 60-day comment period represents the minimum standard for major rulemaking set forth in EO 13563 and is far shorter than the 109-day comment period for the original proposed rule. These are far from normal circumstances. As individuals isolate themselves at home to slow the spread of the virus, the necessities of social distancing have disrupted professional life for many Americans. Young children require constant care due to the suspension of child care services; family members require assistance, particularly those belonging to at-risk populations; and, of course, over one million Americans – more than in any other country in the world – have contracted the virus. Under these conditions of personal and professional turmoil, it is unreasonable for EPA to expect the public to meaningfully participate in the federal rulemaking process on a 60-day timeline that coincided almost exactly with the domestic outbreak of the pandemic. The public has the right to make its voice heard on this important rule, as does the scientific community, which has the expertise to inform the SNPRM. But neither the public nor the scientific community are in a position to properly participate in the rulemaking process while the virus continues to spread, loved ones are at risk, and organizations are disrupted.

The end of the SNPRM comment period on May 18 would be particularly damaging to the public health community's meaningful opportunity to comment. Public health organizations are among the key stakeholders for the "Strengthening Transparency" rule, as the Agency's public health regulations would be dramatically impacted by the rule's implementation. Public health

² 5 U.S. Code 553, "Rule Making," accessed here: <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title5-section553&num=0&edition=prelim>.

³ Executive Order 13563, "Improving Regulation and Regulatory Review," Issued on January 18, 2011, <https://obamawhitehouse.archives.gov/the-press-office/2011/01/18/executive-order-13563-improving-regulation-and-regulatory-review>. See also: Executive Order 12866, "Regulatory Planning and Review," Issued on September 30, 1993, <https://www.archives.gov/files/federal-register/executive-orders/pdf/12866.pdf>.

⁴ North Carolina Growers' Association v UFW, 702 F.3d 755, 770 (4th Cir. 2012), <http://www.ca4.uscourts.gov/Opinions/Published/112235.P.pdf>.

researchers, including medical doctors, are also best equipped to provide feedback on EPA's proposed data transparency standards, as their work relies on Personally Identifiable Information that would be subject to the contentious new publication requirements being proposed by EPA.

But public health organizations, researchers and medical practitioners are now leading the country's emergency response to COVID-19. Many of the public health experts who are best qualified to understand the implications of the rule are working on the front lines of the emergency response, putting their lives on the line to save the lives of others. As hospitals around the country manage a surge in sick patients, public health experts and advocates cannot be expected to redirect their attention and resources to federal rulemaking. If EPA insists on ending the SNPRM comment period during the peak of the crisis, the public health community will be forced to choose between saving lives and exercising its legal right to comment on a rule that carries serious implications for its work. It is wrong for the Agency to force this choice upon public health practitioners on the front lines of a pandemic when a simple extension would solve the problem. EPA must extend the public comment period for the SNPRM until conditions in the country afford public health experts a genuine opportunity to register their views.

I am also aware of EPA's recent decision to relax pollution monitoring and reporting standards for businesses impacted by the pandemic. According to new Agency guidelines retroactive to March 13, any business unable to comply with monitoring and reporting requirements due to COVID-19 will not be subject to non-compliance penalties unless an imminent threat exists to the environment or public health.⁵ Even as the Agency intends to close the SNPRM comment period, these emergency enforcement guidelines remain in effect indefinitely. It is inexplicable that EPA's pandemic response would do more to accommodate polluters than the general public.

A wide range of stakeholders implored the Agency to extend the initial public comment period for the SNPRM due to the rule's complexity and COVID-19's sweeping disruption of American society. I supported the calls from the attorneys general of 13 states and the District of Columbia, the city attorneys of 6 of the largest cities in the United States, and dozens of scientific and environmental organizations for EPA to extend the comment period.⁶ I believe their arguments are as powerful today as they were in March, because the circumstances that prompted them persist. Additionally, I joined 13 of my fellow Committee Chairs in the House of Representatives on April 1 in urging OMB to provide long-term extensions for the public comment periods of all ongoing rulemakings, including the "Strengthening Transparency" rule.⁷ As I recommended in my March 20 letter to the Agency, this comment period should be no less than 109 days, which would match the length of the comment period offered for the proposed rule in 2018. More broadly, the comment period must be responsive to the course of the COVID-19 crisis. EPA must do this in order to fulfill its legal obligation to provide the public with a meaningful opportunity to comment on the SNPRM. I urge you to grant a further extension and to allow public health conditions to dictate its length, rather than an arbitrary timeline set by the Agency.

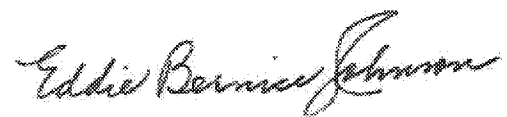
⁵ Lisa Friedman, "E.P.A., Citing Coronavirus, Drastically Relaxes Rules for Polluters," *New York Times*, March 26, 2020, <https://www.nytimes.com/2020/03/26/climate/epa-coronavirus-pollution-rules.html>.

⁶ Letter from State Attorneys General and City Attorneys to EPA Administrator Andrew Wheeler, "Request for Extension of Comment Period for EPA Supplemental Notice of Proposed Rulemaking to Limit Use of Scientific Evidence in Rulemakings," March 19, 2020, accessed here: https://www.eenews.net/assets/2020/03/20/document_gw_14.pdf.

⁷ Letter from House of Representatives Committee Chairs to OMB Acting Director Russell Vought, April 1, 2020.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Eddie Bernice Johnson". The signature is written in dark ink and is positioned above the printed name.

Eddie Bernice Johnson
Chairwoman
Committee on Science, Space, and Technology

From: Hyman, Alana [Hyman.Alana@epa.gov]
Sent: 6/5/2020 8:24:26 PM
Subject: Calendar for Administrator Wheeler: Monday, June 8, 2020

Calendar for Administrator Wheeler
Monday, June 8, 2020

- 7:30 AM – 8:30 AM Hold: Media Interviews
- 8:30 AM – 9:00 AM Daily Briefing
Administrator's Office/ Conference Call
- 10:00 AM – 10:30 AM OCIR All Hands
Administrator's Office/ Conference Call
- 10:30 AM – 11:30 AM Briefing: Science Transparency Update (David Dunlap, Jennifer Orme-Zavaleta, Lindsey Jones, Maria Doa)
Administrator's Office/ Conference Call
- 11:30 AM – 1:30 PM Executive Planning
- 1:30 PM – 2:00 PM Weekly Check-in Call with Francis Brooke
- 2:00 PM – 3:00 PM Senior Staff Meeting
Administrator's Office/ Conference Call
- 3:00 PM – 3:30 PM LCR Weekly Check-in: Option Selection (Dave Ross, Charlotte Bertrand, Jennifer McLain, Eric Burneson, Anne Idsal, Peter Wright, Alexandra Dunn, Susan Bodine, Jennifer Orme-Zavaleta, David Dunlap, Matt Leopold, Peter Lopez, Kurt Thiede, Gregory Sopkin)
Administrator's Office/ Conference Call
- 3:30 PM – 4:15 PM Hold: Media Interviews
Administrator's Office/ Conference Call
- 4:30 PM – 4:45 PM Hold: Video-taping for Welcoming 2020 SWANapalooza conference participants for it first virtual conference
Administrator's Office

Alana Hyman

Office of the Administrator

U.S. Environmental Protection Agency

Hyman.Alana@epa.gov

Message

From: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Sent: 4/8/2020 6:13:32 PM
To: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
CC: Voyles, Travis [Voyles.Travis@epa.gov]; Kolb, John (JohnMark) [kolb.john@epa.gov]; Dunlap, David [dunlap.david@epa.gov]; Willey, Katharine [willey.katharine@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]
Subject: Letter from 75 House Members
Attachments: 2020.4.7 EPA Extension Comment Period 45 Days COVID [FINAL].pdf

Sir,

We just received the attached letter from 75 House Democrats asking the Agency to extend the comment period by 45 days from the end of a national emergency for our various rulemakings. They cite TCE, asbestos, and science transparency specifically. We will prepare a draft response. We are also in the process of determining if other agencies received a similar letter. Please let us know if you'd like to discuss.

Thank you,
Joe

Joseph A. Brazauskas Jr.
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
(202) 564-5189

Congress of the United States
House of Representatives
Washington, DC 20515

April 8, 2020

Administrator Andrew Wheeler
Environmental Protection Agency (EPA)
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Administrator Wheeler,

As the world continues to turn its collective attention to responding to the global coronavirus pandemic, we write to express our deep concern that the Environmental Protection Agency (EPA) is proceeding with rulemaking procedures that do not ensure that “interested persons” are afforded an “opportunity to participate,” as is the expectation of the law. While the extended comment period for the Strengthening Transparency in Regulatory Science Proposed Rulemaking rule is a step in the right direction, it is insufficient given the magnitude of this crisis. We request that the EPA extend all comment periods dealing with public and environmental health by at least 45 days beyond the end of the declared national emergency, including comment periods which closed between March 13th to present, as well as those that are still open. Doing so will ensure that all Americans will have an opportunity to have their voices heard, no matter what hardships they may presently be dealing with as a result of the health emergency.

The American people have a right to expect that their government will protect the general welfare by basing regulations on the best available information, including input from impacted communities, scientists, and other subject area experts, in accordance with requirements of the Administrative Procedures Act. There are several EPA regulations that directly impact the environment and human health for which the review process has continued without sufficient opportunity for the public to engage during the coronavirus pandemic, including vital regulations regarding air quality and pesticides, as well as the risk evaluation for substances like trichloroethylene (TCE) and asbestos under the Toxic Substances Control Act.

Rushing forward with these regulations as planned, in spite of this public health crisis, would be contrary to the spirit of the EPA’s mission to protect human health and the environment.

In the case of the Strengthening Transparency in Regulatory Science Proposed Rulemaking rule, even in the absence of a pandemic, a 30-day comment period would have been unduly rushed. While 60 days may be appropriate for significant rulemaking under other circumstances, it is not reflective of the current reality, as Americans’ ability to respond and meaningfully engage are inhibited by this crisis.

Claims that there are no barriers to public comment during this unprecedented time are unfounded and dismissive of the challenges that the American people are facing and will continue to face in the months ahead as communities recover from this emergency. All Americans, including health professionals and first responders on the front lines of the pandemic, deserve the opportunity to have their voices heard. Furthermore, organizations interested in providing comments are also facing challenges related to the pandemic that could delay development of their position statements.

Other agencies are taking more significant and appropriate actions to adjust their operations to limit the impact of this health crisis on how they serve the American public. The Internal Revenue Service (IRS) and the Treasury Department have issued an extension for tax filings and all federal income taxes.¹ The Department of Housing and Urban Development has also issued a moratorium on foreclosure and eviction for all Federal Housing Administration-insured mortgages.² Additional agencies are responding by pursuing ways to waive or delay various requirements during this time. It seems unreasonable that the EPA would expect the American people to offer comment on rules that impact air quality and public health while still dealing with this pandemic.

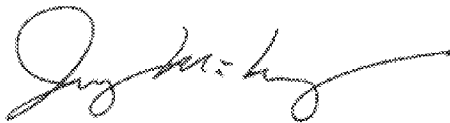
The federal government is rightly taking necessary measures to offer relief to Americans during this crisis. Without sufficient time for the American public to offer input, efforts to move forward with rulemaking, particularly for rules that deal with public health, are unacceptable. We urge that you extend the public comment deadlines, both in response to the enormous challenges presented by this crisis and to allow for informed rulemaking in order to prevent public health issues in the future.

Thank you for your attention to this matter. Given the urgency of the crisis, we look forward to your response within the next two weeks.

Sincerely,



ROBERT C. "BOBBY" SCOTT
Member of Congress



JERRY McNERNEY
Member of Congress



MIKE QUIGLEY
Member of Congress

¹ "U.S. Department of the Treasury." Treasury and IRS Delay Federal Tax Day from April 15 to July 15 Due to COVID-19 Outbreak, March 21, 2020. <https://home.treasury.gov/news/press-releases/sm953>.

² "HUD No. 20-042: HUD.gov / U.S. Department of Housing and Urban Development (HUD)." HUD No. 20-042 | HUD.gov / U.S. Department of Housing and Urban Development (HUD), March 18, 2020. https://www.hud.gov/press/press_releases_media_advisories/HUD_No_20_042.

Also signed by:

/s/

ALAN LOWENTHAL
Member of Congress

/s/

NANETTE DIAZ BARRAGÁN
Member of Congress

/s/

PAUL TONKO
Member of Congress

/s/

CHELLIE PINGREE
Member of Congress

/s/

SEAN CASTEN
Member of Congress

/s/

JENNIFER WEXTON
Member of Congress

/s/

GERALD E. CONNOLLY
Member of Congress

/s/

BARBARA LEE
Member of Congress

/s/

BOBBY L. RUSH
Member of Congress

/s/

ANN McLANE KUSTER
Member of Congress

/s/

NYDIA M. VELÁZQUEZ
Member of Congress

/s/

JUDY CHU
Member of Congress

/s/

DAVID PRICE
Member of Congress

/s/

JAMES P. McGOVERN
Member of Congress

/s/

RAJA KRISHNAMOORTHY
Member of Congress

/s/

PETER WELCH
Member of Congress

/s/

SUZANNE BONAMICI
Member of Congress

/s/

JAHANA HAYES
Member of Congress

/s/

MATT CARTWRIGHT
Member of Congress

/s/

BETTY MCCOLLUM
Member of Congress

/s/

DEB HAALAND
Member of Congress

/s/

DONALD S. BEYER JR.
Member of Congress

/s/
MIKE DOYLE
Member of Congress

/s/
GRACE F. NAPOLITANO
Member of Congress

/s/
RAÚL M. GRIJALVA
Member of Congress

/s/
DEBBIE WASSERMAN SCHULTZ
Member of Congress

/s/
ELEANOR HOLMES NORTON
Member of Congress

/s/
DARREN SOTO
Member of Congress

/s/
SUSAN WILD
Member of Congress

/s/
JARED HUFFMAN
Member of Congress

/s/
A. DONALD McEACHIN
Member of Congress

/s/
EARL BLUMENAUER
Member of Congress

/s/
JESÚS G. "CHUY" GARCÍA
Member of Congress

/s/
STEVE COHEN
Member of Congress

/s/
KATIE PORTER
Member of Congress

/s/
LISA BLUNT ROCHESTER
Member of Congress

/s/
DONALD M. PAYNE
Member of Congress

/s/
GILBERT R. CISNEROS, JR.
Member of Congress

/s/
TONY CÁRDENAS
Member of Congress

/s/
PRAMILA JAYAPAL
Member of Congress

/s/
ADRIANO ESPAILLAT
Member of Congress

/s/
ED CASE
Member of Congress

/s/
MIKE LEVIN
Member of Congress

/s/
JAMIE RASKIN
Member of Congress

/s/
RICK LARSEN
Member of Congress

/s/
GWEN S. MOORE
Member of Congress

/s/
ALBIO SIRES
Member of Congress

/s/
MARK POCAN
Member of Congress

/s/
KAREN BASS
Member of Congress

/s/
JOYCE BEATTY
Member of Congress

/s/
HENRY C. "HANK" JOHNSON, JR.
Member of Congress

/s/
MARY GAY SCANLON
Member of Congress

/s/
SCOTT H. PETERS
Member of Congress

/s/
BILL FOSTER
Member of Congress

/s/
MARCIA L. FUDGE
Member of Congress

/s/
DEBBIE MUCARSEL-POWELL
Member of Congress

/s/
PETER DeFAZIO
Member of Congress

/s/
ALMA S. ADAMS, Ph.D.
Member of Congress

/s/
RASHIDA TLAIB
Member of Congress

/s/
JACKIE SPEIER
Member of Congress

/s/
CHRIS PAPPAS
Member of Congress

/s/
JOSEPH P. KENNEDY, III
Member of Congress

/s/
DEBBIE DINGELL
Member of Congress

/s/
JOE NEGUSE
Member of Congress

/s/
ELAINE G. LURIA
Member of Congress

/s/
TED W. LIEU
Member of Congress

/s/

FREDERICA S. WILSON
Member of Congress

/s/

DAVID SCOTT
Member of Congress

/s/

DORIS MATSUI
Member of Congress

/s/

JOHN P. SARBANES
Member of Congress

/s/

DANNY K. DAVIS
Member of Congress

/s/

SHEILA JACKSON LEE
Member of Congress

/s/

JAN SCHAKOWSKY
Member of Congress

/s/

SETH MOULTON
Member of Congress

/s/

SUZAN DELBENE
Member of Congress

Message

From: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Sent: 5/6/2020 10:26:56 PM
To: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
CC: Voyles, Travis [Voyles.Travis@epa.gov]; Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]
Subject: Letter from Chairwoman Johnson
Attachments: LTR - EBJ to Wheeler re SNPRM 5.6.pdf

Sir,

We just received the attached letter from House Science Committee Chairwoman Johnson requesting that the Agency extend the comment period for the Scientific Transparency Rule beyond May 18. They are claiming that we are asking the public health community to choose between saving lives and exercising a legal right to comment on rule.

Please let us know if you have any questions.

Thanks,
Joe

Joseph A. Brazauskas Jr.
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
(202) 564-5189

Message

From: Lynch, Mary-Kay [Lynch.Mary-Kay@epa.gov]
Sent: 4/7/2020 11:47:13 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]; Wright, Peter [wright.peter@epa.gov]
CC: Garvey, Megan [garvey.megan@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Grable, Melissa [Grable.Melissa@epa.gov]; Hall, Tayoka [Hall.Tayoka@epa.gov]; Tyler, Tom [Tyler.Tom@epa.gov]; Hilosky, Nick [Hilosky.Nick@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Brooks, Becky [Brooks.Becky@epa.gov]; Giddings, Daniel [giddings.daniel@epa.gov]; Coxen, Carrie [coxen.carrie@epa.gov]; Eng, Connie [Eng.Connie@epa.gov]; Lynch, Mary-Kay [Lynch.Mary-Kay@epa.gov]
Subject: Final steps for ABA SEER Spring Conference Keynote Panel--recording-to take place next week
Attachments: Keynote Discussion Questions.docx

All,

The final steps for the ABA SEER Spring Conference Keynote presentations and recording:

1. The ABA would like this to be video and audio. Doug, Alex, and Peter will need to be in a place that has a camera – it need not be the same location.
2. We need to pick a date and time when Doug, Alex, and Peter are all available. We were previously told that we had to have a separate advance trial, but now you would simply gather about 30 minutes before actual taping to do a technology check, sound levels, etc. Ron has asked us to give him 3 different 2-hour block options (they can be rank ordered) for next week when Doug, Alex and Peter are available. Please note that it may not take 2 hours. Ron thinks that if all goes well you might be done in 90 minutes or less, inclusive of the technology check. Right now, **Ron is wide open on April 15-17**. Ron also has some availability on April 13 and 14.
3. Ron also asked for bios with the points you would most like him to emphasize in introducing you.
4. The next step is to get him the time slot options NLT Thursday, April 9, and the bios with highlights by Friday, April 10. I will follow up to help make that happen.

Mary Kay 202 731-3667

Below is the current outline for the presentations. I have also attached the discussion outline that Ron sent us last week.

1. We will plan on Doug, Alex, and Peter each giving a 5-7-minute presentation and then 40 minutes of questions and answers.

Topic list:

- a. Doug- EPA priorities, including coronavirus and EPA actions/role in infrastructure issues and action on coronavirus fraudulent claim; Compliance Guidance; state engagement/ECOS – EPA website with resources for local and state partners; providing PPE to local and statement partners; employee engagement (a priority for Doug); responding to the public during COVID19; public comment periods and virtual public meeting issues.
<https://www.epa.gov/newsreleases/epa-corrects-record-after-reckless-reporting-temporary-compliance-guidance>

<https://www.epa.gov/newsreleases/epa-administrator-wheeler-talks-retailers-and-third-party-marketplace-platforms-discuss>

- b. Alex: OCSPP priorities and accomplishments, including coronavirus, Endangered Species Act (ESA), Registration Review, and Lautenberg Act.
- c. Peter: Coronavirus work related to remediation and emergency response; PFAS and remediation sites issue; priorities for 2020.

Draft Keynote Discussion Questions, ABA SEER Spring 2020

Draft Date 3/23/2020

Panel: Doug Benevento

Alex Dunn

Peter Wright

Moderator: Ron Tenpas

1. Corona virus -- General -- So let's start with the obvious elephant in the room, or perhaps the thing preventing us all from being in the room together – the coronavirus. For folks listening, please understand that this has been taped about a week before actual distribution so if any of the following seems “out of date” please chalk it up to that lag.

Doug – I imagine you see this from the overall perspective of the Agency across a range of programs, while Alex and Peter may have more particular areas of focus within their programs. So Doug let's start with you, how has corona virus impacted the day-to-day workings at the Agency or the substantive topics that take up your time?

Alex – Same question, how are things in your area?

FIFRA and approved claims/uses (possible specific follow-up) – Alex, one area your office regulates is FIFRA, which has some immediate importance with respect to approved claims to kill viruses, such as for household cleaners and the like. EPA has been making efforts to expedite review and approval in that area. Can you speak to that effort specifically – what it has entailed and what might yet occur?

Peter – How about OLEM? What has been the impact?

2. Corona Virus -- Potential Accommodations/Compliance Assistance to the Regulated Community

Directed to All 3: Just like the Agency itself is impacted, those in the regulated community are facing increasing challenges as staffing is curtailed, supply chains are interrupted and similar disruptions occur. Some of those may have a direct bearing on the ability to meet certain compliance objectives – whether it is meeting a permit emission or discharge requirement, record-keeping and reporting, and meeting time-lines or deadlines under a consent decree. How has the Agency been thinking about addressing those issues, either globally or for a particular industry or regulatory requirement?

Are you coordinating with the States on this?

DOJ?

3. Corona virus – transition

Directed to All 3: At some point, hopefully sooner rather than later, we'll be returning to something that feels closer to “normal” both in day-to-day work and, hopefully, day-to-day challenges and opportunities. And obviously the economy has taken a hit and the full scope of that is not yet clear. So there is a lot of uncertainty. But with that caveat, would any of you like to gaze into the crystal ball

and project what are likely to be the things that the Agency may do, or strive to do, to assist in the recovery from this?

Are there any analogies to this in the Agency's experience, or in your personal experience – is this like the aftermath of natural disasters, a government shut-down, post 9/11 or post-economic recession of 2008/2009? All four?

4. Priorities outside corona virus aftermath

Directed to All 3: Presumably at some point you are able to refocus, or solely focus, on more traditional Agency work and priorities. Assuming that things reach some stability that looks a bit more like "business as usual," what do you see as major priorities to achieve or conclude in 2020?

Is the focus on finishing out efforts that are underway, launching new efforts, or some of each?

5. Regulatory Reform

Directed to All 3: This Administration has placed a large emphasis on regulatory reform, ranging from big picture actions that involve actually regulatory changes to more "good government" changes like publication of Agency guidance.

Can you talk about how that has carried through generally at the Agency? Are there items that you consider the bell weather markers of success? What remains left of highest priority?

5. Specific topics

PFAS – All 3: PFAS, PFOA and the related chemical families have gotten a lot of attention, primarily due to concerns connected with potential drinking water impacts. Can you talk about what you see as the way forward and, in particular, what is possible in the absence of further Congressional legislation and what might change with enactment of new authorities?

What is good science – Doug (?), There has been a lot of attention to how the Agency develops and uses science – what counts as good science, what does it take to have unconflicted but still knowledgeable science advisors and similar issues. One major aspect of that is the Science Transparency Rulemaking. Can you one of you talk about that rulemaking in particular but also more generally about the concerns that have animated this Administration and that you've been seeking to address?

Superfund Reform – Peter, An early and highly publicized effort early in the Administration was Superfund reform. Administrator Pruitt seemed particularly invested in it. Where does that effort sit today? Are you done? Was it a success? If so, in what way?

TSCA Implementation -- Alex, not long before you came into office (at least "not long" by Washington standards), Congress approved major changes to TSCA in what was perhaps the most consequential piece of environmental legislation to get through Congress in many years, maybe since the Clean Air Act amendments in the 1990s. That has tee'd up a vast array of new regulatory duties for your offices. Can you talk about that – where it stands, challenges and what is next?

Message

From: Woods, Andrea [Woods.Andrea@epa.gov]
Sent: 4/7/2020 10:08:33 PM
To: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]
CC: Schiermeyer, Corry [schiermeyer.corry@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Johnson, Taylor [Johnson.Taylor.C@epa.gov]; Walters, Ben [Walters.Ben@epa.gov]; Murray, William [Murray.William@epa.gov]
Subject: 4.07.20: Daily Media Brief
Attachments: 4.07.20 Daily Media Brief.docx

Sir,

Please see today's media report below and attached:

Daily Media Brief - 4/07/20

Most common and notable inquiry topics

1. HFC Ruling
2. Environmental Defense Fund report on methane releases
3. Harvard study on COVID-19 deaths/PM2.5 exposure

E&E News/ Jennifer Hijazi

Topic: HFC Ruling

Status: Responded (Approved by OGC)

Response: We are reviewing the decision.

Also sent to Politico (Alex Guillen), Argus Media (Michael Ball), Bloomberg Environment (Amena Saiyid, Ellen Gilmer), Roll Call (Keith Lewis), The Hill (Rachel Frazin), Reuters (Brendan Pierson)

Associated Press/Ellen Knickmeyer

Topic: Information on how EPA will disclose no action assurances granted under temporary enforcement policy

Status: Responded on background (approved by OECA)

Response: For planning purposes only, website is expected to be live tomorrow.

Bloomberg Environment/Jen Dlouhy

Topic: EDF report on methane releases

Status: Responded

Response: We look forward to reviewing the new study. EPA develops the Inventory of U.S. Greenhouse Gas Emissions and Sinks every year, making updates to methods and data sources when new information is available to improve our emissions calculations. As a part of the annual stakeholder process for oil and gas data in the Inventory, EPA assesses new studies and determines if they include information that can provide new emission factors that can be used by EPA either to replace previous factors or to identify areas for future improvements, or if the study does not include such data but can inform the Inventory by providing a general indication of potential over- or underestimates.

Also received the same request from E&E News (Carlos Anchado), IHS Markit (Karin Rives)

NYT/Coral Davenport

Topic: Sean O'Donnell's role as DOJ IG

Status: Referred to OIG press office

Also received the same inquiry from E&E News (Maxine Joselow)

E&E News/Sean Reilly

Topic: Harvard Study - COVID-19 mortality/PM2.5 exposure

Status: Responded

Response:

“EPA is committed to protecting public health by improving air quality and reducing air pollution. COVID-19 is a new and evolving situation and scientists are working hard to understand what variables are linked to transmission and vulnerability. The PM2.5 NAAQS proposal is currently under interagency review. The agency plans to issue the proposal this spring.”

Also received same inquiry from Roll Call (Elvina Nawaguna)

E&E News/Sean Reilly

Topic: Temporary enforcement policy

Status: Responded

Response: Regulated entities are expected to make every effort to comply with all applicable requirements. The Temporary Policy states that the EPA will not seek penalties for noncompliance with routine monitoring and reporting requirements, *if*, on a case-by-case basis, the EPA agrees that such noncompliance was caused by the COVID-19 public health emergency. In many instances, facilities should be able to continue required monitoring without interruption.

In addition to facility monitors, there are other monitoring networks maintained at the federal, state and local level. The U.S. Environmental Protection Agency (EPA) is working with its state, tribal and local partners to ensure that important air quality monitoring continues to the extent possible during the COVID-19 response in the U.S. Across the country, states, tribes and local air agencies maintain air monitoring networks that measure common harmful pollutants such as fine particulate matter and ozone, among others. These monitors are used to determine states' progress in meeting air quality standards and to inform the public about current air quality conditions through the [AirNow.gov](https://www.airnow.gov) website. Recognizing that the COVID-19 response may strain states' monitoring resources and, in some cases, may limit access to monitoring sites, EPA is coordinating with air monitoring agencies to ensure that monitoring continues to the best of agencies' ability, while safeguarding the health and safety of their employees. EPA has provided air monitoring agencies with suggested priorities for network sites in the event they are forced to limit ambient monitoring in their areas as a result of the COVID-19 response.

Washington Examiner/Abby Smith

Topic: EPA PPE donations

Status: Responded

Response:

OTR: We will have more details as each region continues to work with FEMA for distribution. We sent a release on Friday about our [region 5](#) distribution, and we have one coming from region 9 soon (we can get you that info once it is final). We will keep you updated. But the 225,000 is what we cataloged from across the nation and we will work with FEMA to distribute.

E&E News/Kelsey Brugger

Topic: OIRA's focus on COVID-related rules, timing on MATS, Science Transparency, Methane

Status: Developing response with OP, deadline is 11:00 AM 4/8

Received similar inquiry from Energy Intelligence (Bridget Di Cosmo)

E&E News/Jean Chemnick

Topic: Reporting for GHG inventory

Status: Responded

Response: "The GHG Inventory is on track to be published by April 15. The Greenhouse Gas Reporting Program has informed reporting facilities that, in response to the COVID-19, the electronic reporting system will remain open for facility submissions through at least May 1, 2020. We are continuing to receive submissions, and do not have a final count at this point."

E&E News/Tamara Ward

Topic: Statement on WaterSense program from December, interview request with Stephanie Tanner

Status: Developing response with OW. Requesting reporter's questions to respond in writing rather than arranging interview before reporter's deadline of 11:00 AM tomorrow.

E&E News/Pamela King

Topic: DC Circuit ruling on PSD permits

Status: Responded

Response: "We are pleased with the court's decision." — EPA Spokesperson

E&E News/Sean Reilly

Topic: NOx SIP call

Status: Responded

Response: On background: While other states may be working on monitoring rule amendments at the state level, we have only proposed SIP approval of monitoring revisions for Ohio.

Note: Reporter asked follow-up clarifications after deadline passed. OAR is developing response to his follow-up

Bloomberg Law/Maya Earls

Topic: Taotao v. EPA

Status: Responded (Approved by OAR & OGC)

Response: EPA does not comment on pending litigation.

Reuters/Katie Paul

Topic: EPA's engagement with stakeholders on COVID fake products enforcement

Status: Responded

Response: Directed to press release

Chemical Watch/Kelly Franklin

Topic: TSCA scoping documents

Status: Responded

Response: EPA has staggered the release of the 20 chemicals to allow the public to focus review and not have to review all 20 during the 45 day public comment period. The overall goal is to space out these risk evaluations in order to provide greater individual review time. The statutory deadline for final scope publication is June 22, 2020

Insider Health News/Hannah Roberts

Topic: Sanitizing/disinfecting definitions

Status: Developing response with OCSPP, deadline is 4/8

Law 360/Hailey Konnath

Topic: Kohler settlement

Status: Responded (approved by OGC/OECA)

Response: Yesterday's court action was to finalize the settlement we lodged on Jan. 30, 2020. Please refer to our press release (link below), as well as the link to the websheet (link below) which provides more detail about the case and settlement.

<https://www.epa.gov/newsreleases/epadepartment-justice-and-state-california-clean-air-act-settlement-kohler-co-will>

<https://www.epa.gov/enforcement/kohler-co-clean-air-act-settlement-information-sheet>

Law 360/Juan Carlos Rodriguez

Topic: SIL guidance

Status: Responded

Response: "We are pleased with the court's decision." — EPA Spokesperson

S&P Global/Zack Hale

Topic: NRDC petition on temporary enforcement, anticipated no action assurances

Status: Developing response with OECA, deadline is EOD

New York Public Radio/ProPublica/Ilya Marritz

Topic: Enforcement/COVID-19

Status: Responded (approved by Susan Bodine)

Response: 1. On March 26, Susan Parker Bodine, Assistant Administrator for EPA's Office of Enforcement and Compliance Assurance (OECA) sent a letter to regulated entities informing them of changes to enforcement and oversight during covid-19. I have read the letter, and described the changes as "a break from civil enforcement of environmental laws, by the EPA. The Enforcement Discretion Policy is described as temporary. There's no end date." Is this a fair and accurate description? Is there anything you would like to add?

Response: No, this description is not accurate. EPA's temporary enforcement policy during the COVID-19 pandemic is not a break from civil enforcement and oversight. The temporary policy is limited in scope and duration. EPA enforcement staff continue to perform our mission-critical function to protect the public from threats to human health and the environment arising from violations of the environmental laws. We will continue to work with federal, state and tribal partners to ensure that facilities are meeting regulatory requirements, while taking appropriate steps to protect the health of our staff and the public

The policy says that EPA will not seek penalties for noncompliance with **routine monitoring and reporting** requirements, **if**, on a case-by-case basis, EPA agrees that such noncompliance was caused by the COVID-19 pandemic. Regulated parties must document the basis for any claim that the public health emergency prevented them from conducting that routine monitoring and reporting and present it to EPA upon request. This action was necessary to avoid tying up EPA staff time with questions about routine monitoring and reporting requirements and instead allow EPA to focus on continued protection of human health and the environment.

The policy does **not** say that the COVID-19 public health emergency will excuse **exceedances of pollutant limitations in permits, regulations, and statutes**. EPA expects regulated entities to comply with all obligations and if they do not, the policy says that EPA will consider the pandemic, on a case-by-case basis, when determining an appropriate response. Further, in cases that may involve acute risks or imminent threats, or failure of pollution control or other equipment that may result in exceedances, EPA's willingness to provide even that consideration is conditioned on the facility contacting the appropriate EPA region, or authorized state or tribe, to allow regulators to work with that facility to mitigate or eliminate such risks or threats.

2. In our story, former EPA Region 2 Administrator Judith Enck calls the Enforcement Discretion Policy as “the most sweeping change I think in the history of the agency.” Is there any precedent for such a broad, cross-industry exemption, which does not require regulated entities to specifically apply for forbearance?

Response: The temporary policy is not an exemption. It also is not a no action assurance. It is a statement of how EPA may exercise its enforcement discretion with respect to COVID-19 related violations of routine monitoring and reporting requirements. For any noncompliance with actual emissions limitations, the policy merely says that EPA will consider COVID-19, but does not promise any relief. Many times, EPA has issued actual no action assurances and agreed to stop enforcing certain regulations in multiple states to help with response and recovery following natural disasters. EPA also has provided no action assurances to specific sectors in advance of rulemaking. The current situation is different. The impact of the COVID-19 public health emergency is unprecedented in the breadth of its impact to a range of industries and geographic areas – impacting all 50 states.

3. What safeguards are in place to ensure that companies do not take the Enforcement Discretion Policy as an invitation to ignore important laws and protections to keep our air, water, and soil safe?

Response: As explained in the response to the first question, EPA’s temporary enforcement policy distinguishes between different types of regulatory requirements. It does not absolve regulated facilities from compliance with environmental regulations.

4. What can you tell me about how the Enforcement Discretion Policy came about? Was it in response to requests or questions from regulated companies?

Response: The mission of the EPA is to protect human health and the environment, and during this time of unprecedented public health concerns, that mission is even more critical. The EPA has been inundated with questions from both state and tribal regulators and the regulated community about how to handle the current extraordinary situation where employees and contractors are not available because they cannot travel; state, tribal, and local governments are imposing stay at home orders; and, the number of people who have contracted COVID-19 and are in quarantine is rising. The EPA developed the Temporary COVID-19 Enforcement Policy to allow the EPA to prioritize its resources to respond to acute risks and imminent threats, rather than making up front case-by-case determinations regarding routine monitoring and reporting. In addition, the EPA is continuing its compliance monitoring and case development work to ensure that facilities in violation promptly return to compliance.

WFTV Orlando/Kim Slichter

Topic: EPA PPE donations

Status: Responded

Response: We are still working through distribution. We work with regional FEMA and GSA offices, and they coordinate the delivery. When we have more information on Florida, we will let you all know

Andrea Woods

Deputy Press Secretary

U.S. Environmental Protection Agency

Office of Public Affairs

202-564-2010

Daily Media Brief - 4/07/20

Most common and notable inquiry topics

1. HFC Ruling
2. Environmental Defense Fund report on methane releases
3. Harvard study on COVID-19 deaths/PM2.5 exposure

E&E News/ Jennifer Hijazi

Topic: HFC Ruling

Status: Responded (Approved by OGC)

Response: We are reviewing the decision.

Also sent to Politico (Alex Guillen), Argus Media (Michael Ball), Bloomberg Environment (Amena Saiyid, Ellen Gilmer), Roll Call (Keith Lewis), The Hill (Rachel Frazin), Reuters (Brendan Pierson)

Associated Press/Ellen Knickmeyer

Topic: Information on how EPA will disclose no action assurances granted under temporary enforcement policy

Status: Responded on background (approved by OECA)

Response: For planning purposes only, website is expected to be live tomorrow.

Bloomberg Environment/Jen Dlouhy

Topic: EDF report on methane releases

Status: Responded

Response: We look forward to reviewing the new study. EPA develops the Inventory of U.S. Greenhouse Gas Emissions and Sinks every year, making updates to methods and data sources when new information is available to improve our emissions calculations. As a part of the annual stakeholder process for oil and gas data in the Inventory, EPA assesses new studies and determines if they include information that can provide new emission factors that can be used by EPA either to replace previous factors or to identify areas for future improvements, or if the study does not include such data but can inform the Inventory by providing a general indication of potential over- or underestimates.

Also received the same request from E&E News (Carlos Anchado), IHS Markit (Karin Rives)

NYT/Coral Davenport

Topic: Sean O'Donnell's role as DOJ IG

Status: Referred to OIG press office

Also received the same inquiry from E&E News (Maxine Joselow)

E&E News/Sean Reilly

Topic: Harvard Study - COVID-19 mortality/PM2.5 exposure

Status: Responded

Response:

“EPA is committed to protecting public health by improving air quality and reducing air pollution. COVID-19 is a new and evolving situation and scientists are working hard to understand what variables are linked to transmission and vulnerability. The PM2.5 NAAQS proposal is currently under interagency review. The agency plans to issue the proposal this spring.”

Also received same inquiry from Roll Call (Elvina Nawaguna)

E&E News/Sean Reilly

Topic: Temporary enforcement policy

Status: Responded

Response: Regulated entities are expected to make every effort to comply with all applicable requirements. The Temporary Policy states that the EPA will not seek penalties for noncompliance with routine monitoring and reporting requirements, *if*, on a case-by-case basis, the EPA agrees that such noncompliance was caused by the COVID-19 public health emergency. In many instances, facilities should be able to continue required monitoring without interruption.

In addition to facility monitors, there are other monitoring networks maintained at the federal, state and local level. The U.S. Environmental Protection Agency (EPA) is working with its state, tribal and local partners to ensure that important air quality monitoring continues to the extent possible during the COVID-19 response in the U.S. Across the country, states, tribes and local air agencies maintain air monitoring networks that measure common harmful pollutants such as fine particulate matter and ozone, among others. These monitors are used to determine states' progress in meeting air quality standards and to inform the public about current air quality conditions through the [[HYPERLINK](#)

"<https://na01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fairnow.gov%2F&data=02%7C01%7CWoods.Andrea%40epa.gov%7C7b01b023532e4004af1d08d7db0d4449%7C88b378b367484867acf976aachbeca6a7%7C0%7C0%7C637218723091813852&sdata=YSWsKOo%2BBdtBUwY8OwSG%2F1oYwZBVosVY5LSkOsq91yc%3D&reserved=0>" \t "_blank"] website. Recognizing that the COVID-19 response may strain states' monitoring resources and, in some cases, may limit access to monitoring sites, EPA is coordinating with air monitoring agencies to ensure that monitoring continues to the best of agencies' ability, while safeguarding the health and safety of their employees. EPA has provided air monitoring agencies with suggested priorities for network sites in the event they are forced to limit ambient monitoring in their areas as a result of the COVID-19 response.

Washington Examiner/Abby Smith

Topic: EPA PPE donations

Status: Responded

Response:

OTR: We will have more details as each region continues to work with FEMA for distribution.

We sent a release on Friday about our [[HYPERLINK "https://www.epa.gov/newsreleases/epa-region-5-donate-excess-ppe-use-fighting-covid-19"](https://www.epa.gov/newsreleases/epa-region-5-donate-excess-ppe-use-fighting-covid-19) \t "_blank"] distribution, and we have one coming from region 9 soon (we can get you that info once it is final). We will keep you updated. But the 225,000 is what we cataloged from across the nation and we will work with FEMA to distribute.

E&E News/Kelsey Brugger

Topic: OIRA's focus on COVID-related rules, timing on MATS, Science Transparency, Methane

Status: Developing response with OP, deadline is 11:00 AM 4/8

Received similar inquiry from Energy Intelligence (Bridget Di Cosmo)

E&E News/Jean Chemnick

Topic: Reporting for GHG inventory

Status: Responded

Response: "The GHG Inventory is on track to be published by [[HYPERLINK "x-apple-data-detectors://0"](#)] The Greenhouse Gas Reporting Program has informed reporting facilities that, in response to the COVID-19, the electronic reporting system will remain open for facility submissions through at least [[HYPERLINK "x-apple-data-detectors://1"](#)]. We are continuing to receive submissions, and do not have a final count at this point."

E&E News/Tamara Ward

Topic: Statement on WaterSense program from December, interview request with Stephanie Tanner

Status: Developing response with OW. Requesting reporter's questions to respond in writing rather than arranging interview before reporter's deadline of 11:00 AM tomorrow.

E&E News/Pamela King

Topic: DC Circuit ruling on PSD permits

Status: Responded

Response: "We are pleased with the court's decision." — EPA Spokesperson

E&E News/Sean Reilly

Topic: NOx SIP call

Status: Responded

Response: On background: While other states may be working on monitoring rule amendments at the state level, we have only proposed SIP approval of monitoring revisions for Ohio.

Note: Reporter asked follow-up clarifications after deadline passed. OAR is developing response to his follow-up

Bloomberg Law/Maya Earls

Topic: Taotao v. EPA

Status: Responded (Approved by OAR & OGC)

Response: EPA does not comment on pending litigation.

Reuters/Katie Paul

Topic: EPA's engagement with stakeholders on COVID fake products enforcement

Status: Responded

Response: Directed to press release

Chemical Watch/Kelly Franklin

Topic: TSCA scoping documents

Status: Responded

Response: EPA has staggered the release of the 20 chemicals to allow the public to focus review and not have to review all 20 during the 45 day public comment period. The overall goal is to space out these risk evaluations in order to provide greater individual review time. The statutory deadline for final scope publication is June 22, 2020

Insider Health News/Hannah Roberts

Topic: Sanitizing/disinfecting definitions

Status: Developing response with OCSPP, deadline is 4/8

Law 360/Hailey Konnath

Topic: Kohler settlement

Status: Responded (approved by OGC/OECA)

Response: Yesterday's court action was to finalize the settlement we lodged on Jan. 30, 2020. Please refer to our press release (link below), as well as the link to the websheet (link below) which provides more detail about the case and settlement.

[HYPERLINK "<https://www.epa.gov/newsreleases/epadepartment-justice-and-state-california-clean-air-act-settlement-kohler-co-will>"]

[HYPERLINK "<https://www.epa.gov/enforcement/kohler-co-clean-air-act-settlement-information-sheet>"]

Law 360/Juan Carlos Rodriguez

Topic: SIL guidance

Status: Responded

Response: "We are pleased with the court's decision." — EPA Spokesperson

S&P Global/Zack Hale

Topic: NRDC petition on temporary enforcement, anticipated no action assurances

Status: Developing response with OECA, deadline is EOD

New York Public Radio/ProPublica/Ilya Marritz

Topic: Enforcement/COVID-19

Status: Responded (approved by Susan Bodine)

Response: 1. On March 26, Susan Parker Bodine, Assistant Administrator for EPA's Office of Enforcement and Compliance Assurance (OECA) sent a letter to regulated entities informing them of changes to enforcement and oversight during covid-19. I have read the letter, and described the changes as "a break from civil enforcement of environmental laws, by the EPA. The Enforcement Discretion Policy is described as temporary. There's no end date." Is this a fair and accurate description? Is there anything you would like to add?

Response: No, this description is not accurate. EPA's temporary enforcement policy during the COVID-19 pandemic is not a break from civil enforcement and oversight. The temporary policy

is limited in scope and duration. EPA enforcement staff continue to perform our mission-critical function to protect the public from threats to human health and the environment arising from violations of the environmental laws. We will continue to work with federal, state and tribal partners to ensure that facilities are meeting regulatory requirements, while taking appropriate steps to protect the health of our staff and the public

The policy says that EPA will not seek penalties for noncompliance with **routine monitoring and reporting** requirements, **if**, on a case-by-case basis, EPA agrees that such noncompliance was caused by the COVID-19 pandemic. Regulated parties must document the basis for any claim that the public health emergency prevented them from conducting that routine monitoring and reporting and present it to EPA upon request. This action was necessary to avoid tying up EPA staff time with questions about routine monitoring and reporting requirements and instead allow EPA to focus on continued protection of human health and the environment.

The policy does **not** say that the COVID-19 public health emergency will excuse **exceedances of pollutant limitations in permits, regulations, and statutes**. EPA expects regulated entities to comply with all obligations and if they do not, the policy says that EPA will consider the pandemic, on a case-by-case basis, when determining an appropriate response. Further, in cases that may involve acute risks or imminent threats, or failure of pollution control or other equipment that may result in exceedances, EPA's willingness to provide even that consideration is conditioned on the facility contacting the appropriate EPA region, or authorized state or tribe, to allow regulators to work with that facility to mitigate or eliminate such risks or threats.

2. In our story, former EPA Region 2 Administrator Judith Enck calls the Enforcement Discretion Policy as "the most sweeping change I think in the history of the agency." Is there any precedent for such a broad, cross-industry exemption, which does not require regulated entities to specifically apply for forbearance?

Response: The temporary policy is not an exemption. It also is not a no action assurance. It is a statement of how EPA may exercise its enforcement discretion with respect to COVID-19 related violations of routine monitoring and reporting requirements. For any noncompliance with actual emissions limitations, the policy merely says that EPA will consider COVID-19, but does not promise any relief. Many times, EPA has issued actual no action assurances and agreed to stop enforcing certain regulations in multiple states to help with response and recovery following natural disasters. EPA also has provided no action assurances to specific sectors in advance of rulemaking. The current situation is different. The impact of the COVID-19 public health emergency is unprecedented in the breadth of its impact to a range of industries and geographic areas – impacting all 50 states.

3. What safeguards are in place to ensure that companies do not take the Enforcement Discretion Policy as an invitation to ignore important laws and protections to keep our air, water, and soil safe?

Response: As explained in the response to the first question, EPA's temporary enforcement policy distinguishes between different types of regulatory requirements. It does not absolve regulated facilities from compliance with environmental regulations.

4. What can you tell me about how the Enforcement Discretion Policy came about? Was it in response to requests or questions from regulated companies?

Response: The mission of the EPA is to protect human health and the environment, and during this time of unprecedented public health concerns, that mission is even more critical. The EPA has been inundated with questions from both state and tribal regulators and the regulated community about how to handle the current extraordinary situation where employees and contractors are not available because they cannot travel; state, tribal, and local governments are imposing stay at home orders; and, the number of people who have contracted COVID-19 and are in quarantine is rising. The EPA developed the Temporary COVID-19 Enforcement Policy to allow the EPA to prioritize its resources to respond to acute risks and imminent threats, rather than making up front case-by-case determinations regarding routine monitoring and reporting. In addition, the EPA is continuing its compliance monitoring and case development work to ensure that facilities in violation promptly return to compliance.

WFTV Orlando/Kim Slichter

Topic: EPA PPE donations

Status: Responded

Response: We are still working through distribution. We work with regional FEMA and GSA offices, and they coordinate the delivery. When we have more information on Florida, we will let you all know

Message

From: Mutter, Andrew [mutter.andrew@epa.gov]
Sent: 4/6/2020 8:24:50 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
Subject: FW: Daily Press Clips 04/06/20

From: Sullivan, Melissa
Sent: Monday, April 6, 2020 2:24:44 PM (UTC-07:00) Mountain Time (US & Canada)
To: AO OPA OMR CLIPS
Subject: Daily Press Clips 04/06/20

Daily Press Clips
April 6, 2020

Administration

Alleged Industry Back Channel Blasted by Environmental Groups

Agency

DEMS ASK INTERIOR, EPA TO PRESS PAUSE

Wheeler spurns calls to scrap memo that would limit IG

Ex-ethanol lobbyist, former Hill aides join agency

Air

Scientists detect cleaner air in NYC but doubt it will outlast coronavirus shutdown

Brownfields

EPA Gives More Time to Applicants for Brownfield Funding

Climate Change

Fmr. EPA administrator: Climate change risks our health when we can least afford it

COVID 19

EPA Region 5 Donates Excess PPE to Frontline Workers

Enforcement

No waivers granted, so far

Pesticides

EPA Internal Watchdog to Investigate Dicamba Registration

Regulation

The EPA's "Enforcement Moratorium" During The Coronavirus Outbreak Is Coming Under Fire
Warren, Markey knock EPA over 'highly dangerous and irresponsible' rollback amid pandemic

RFS

Feds ask justices to reject RFS appeal

Science Transparency

If you have to ask EPA for data, are they really public? Agency critics say no

Water

EPA Orders Hawaii to Reexamine Plastic Pollution in State Waters

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Administration

Alleged Industry Back Channel Blasted by Environmental Groups

Administration

Bloomberg Environment

"Alleged Industry Back Channel Blasted by Environmental Groups"

Stephen Lee

<https://news.bloombergenvironment.com/environment-and-energy/alleged-industry-back-channel-blasted-by-environmental-groups>

The White House gave industry a special back-channel option to file public comments on a critical rewrite of environmental permitting rules, several environmental groups allege.

The groups, who were unaware of the access, say they're suspicious because the specific email address for comments wasn't advertised publicly as an accepted means for submissions. They say it was used to give industry players an advantage in the administration's effort to rewrite National Environmental Policy Act regulations to speed environmental permitting for major projects such as roads, bridges, and pipelines.

"Usually you see the comments as they come in, and then you can respond to them," said Kym Hunter, a senior attorney at the Southern Environmental Law Center.

But the comments emailed to the White House Council on Environmental Quality still aren't being displayed, nearly a month after the comment period closed. The center has filed a Freedom of Information Act request to get copies of all the emailed comments.

A spokesman for the Council on Environmental Quality, which is working on the NEPA rewrite, said last week that the agency has received public comments through the email address, which was published in its Federal Register notice announcing the rulemaking in January.

But Daniel Schneider, the CEQ spokesman, denied that the agency did anything wrong.

Deregulatory Views Not Heard

Several sources said they traced the genesis for the email to a conference call that took place on Feb. 27 and included both business and environmental groups. The call was arranged by the White House Office of Intergovernmental Affairs to discuss changes to the National Environmental Policy Act. At the outset of the call, reporters were ordered to hang up.

During the call, a person representing an unnamed business interest bemoaned the fact that his group's comments in favor of the NEPA revisions were getting drowned out by opposing views, according to six participants who all requested anonymity in order to not violate their agreement to keep the call off the record. A White House official responded by offering to work with industry groups after the call, the sources said.

"I think such an approach might well be illegal," said Rena Steinzor, who teaches administrative law at the University of Maryland School of Law, referring to the idea that an agency would tell people to send comments to an email rather than to the docket.

Schneider, the CEQ spokesman, said the agency “didn’t create any new email addresses, either on its own or at the request of any entity or group.”

But he also acknowledged that the Jan. 10 Federal Register notice announcing the rulemaking only listed the email address as a place to request further information—not as an approved method for sending in comments. The comment period closed March 10.

Schneider didn’t specify how many comments the agency had gotten through that email, what percentage of them supported or objected to the rulemaking, or when the uploading would be complete.

Last week, he said CEQ was in the process of uploading the emailed comments to its [docket](#) on Regulations.gov, the General Service Administration’s public-facing rulemaking website.

CEQ says it has reached out to the public, held two public meetings, and received more than 80,000 comments on its proposed changes to the NEPA rules.

Senator Concerned

“CEQ said that it was engaging in ‘extensive public outreach,’” Sen. Tom Carper (D-Del.), top Democrat on the Senate Environment and Public Works Committee, told Bloomberg Law. “If these reports are true, I would argue that allowing comments to remain hidden in email hardly constitutes an open and extensive public process.”

Ann Mesnikoff, federal legislative director at the Environmental Law and Policy Center, said she had concerns about why some groups knew they could submit comments through the email address, and others didn’t.

“It’s a procedural issue of how CEQ is running the docket,” she said. “That wasn’t the same direction given to everybody.”

It took Southern Environmental Law Center staff four hours to submit comments online, because they wanted to include hundreds of attachments and the GSA site is “not a great website,” according to Hunter. “It goes down sometimes. We would have loved to be able to send it in an email.”

The center underscored its concerns in a March 6 [legal filing](#) in federal district court, writing that, if such a channel does exist, “CEQ’s failure to publicly notice this back door comment portal evince[s] further potential agency bias.”

Filing Names Industry Group

In its legal filings, the Southern Environmental Law Center told the Virginia district court that it believed the Energy Equipment and Infrastructure Alliance may have been behind the request for an email address to submit comments. The alliance, which represents those working in the energy supply chain, didn’t respond to an interview request.

On its [website](#), the group urges members to “take action” to support the changes to the NEPA rules, which haven’t been updated in more than four decades. Toby Mack, the group’s president, also testified before CEQ in [February](#) in favor of the proposed changes to infrastructure permitting.

Sidney Shapiro, an administrative law professor at Wake Forest University, called the CEQ’s actions “unprecedented.” All commenters should be required to use the GSA website, he said.

Steinzor, from the University of Maryland School of Law, said it makes sense for commenters to try to shield their remarks from others, but only within the rules.

“I never filed them until the last minute, precisely because I did not want my well-heeled opponents picking away at them for days or weeks,” she said. Steinzor is the former president of the Center for Progressive Reform, a nonprofit that advocates for health, safety, and environmental protections.

Agency

DEMS ASK INTERIOR, EPA TO PRESS PAUSE

Wheeler spurns calls to scrap memo that would limit IG

Ex-ethanol lobbyist, former Hill aides join agency

Agency

Politico

Morning Energy

Alex Guillen

<https://subscriber.politicopro.com/newsletter/2020/04/trump-threatens-opeac-russia-with-tariffs-786649>

DEMS ASK INTERIOR, EPA TO PRESS PAUSE: Democratic senators are calling on Interior and EPA to stop their rulemaking amid the coronavirus crisis. "[T]he agencies within the Department of Interior should be focused on how to bolster the response to COVID-19 in communities across America, not push through policy with limited public input," Sens. Ron Wyden (D-Ore.), Jeff Merkley (D-Ore.), and Tom Udall (D-N.M.) wrote Bernhardt on Friday. On the same day, Sens. Ed Markey (D-Mass.) and Cory Booker (D-N.J.) led their own letter with six other Democrats pressing EPA to halt its rulemakings or any guidance documents that could cause increases in toxic chemicals or air or water pollution, increasing coronavirus risk.

EPA still on a deregulatory kick: The EPA, along with the Transportation Department, last week rolled back greenhouse gas emissions standards for cars and light trucks (Reg. 2060-AU09), fulfilling one of Trump's major promises.

The agency is also forging ahead with its second effort at a science transparency rule (Reg. 2080-AA14), though it has extended the comment period until May 18 — after Democrats and environmental groups argued that the public health experts who should be studying and critiquing the proposal are occupied with the coronavirus pandemic.

And the agency in the coming weeks and months is expected to issue its updated mercury rule for power plants that would also introduce a major change to how regulatory costs and benefits are calculated (Reg. 2060-AT99), as well as a proposed rule locking in the existing national air quality standard for particulate matter rather than strengthening it (Reg. 2060-AS50). — *Alex Guillén*

E&E News

"Wheeler spurns calls to scrap memo that would limit IG"

Sean Reilly

<https://www.eenews.net/greenwire/2020/04/06/stories/1062803943>

EPA Administrator Andrew Wheeler is rejecting a call by top House Democrats to formally scrap an opinion from the agency's top lawyer that limits the authority of an in-house watchdog.

Wheeler's position comes amid intensifying questions about the Trump administration's willingness to accept independent oversight.

In a Friday letter, House Oversight and Reform Chairwoman Carolyn Maloney (D-N.Y.) and two other lawmakers urged Wheeler to revoke EPA General Counsel Matt Leopold's memo concluding that the agency's inspector general lacks the authority to compel agency employees to sit for interviews.

The memo, issued in November, is "legally deficient," the lawmakers wrote in the letter. In a January briefing with congressional staff, they added, Leopold appeared to backtrack on many of the memo's claims and refused to say how it was drafted.

"It is imperative that you set the record straight and provide accurate guidance to EPA employees," the letter says. Other signers were House Science, Space and Technology Chairwoman Eddie Bernice Johnson (D-Texas) and House Energy and Commerce Chairman Frank Pallone (D-N.J.).

EPA stands by the memo and will not revoke it, spokeswoman Andrea Woods said in a statement this morning. While both Wheeler and Leopold have made clear that they expect all staff to cooperate with IG inquiries, she said, the letter "mischaracterized the narrowly tailored legal approach in the memo and the briefing that EPA provided."

"We look forward to responding to the members to correct the record," Woods said.

Leopold issued the memo last November in the wake of a testy standoff between EPA and the IG's office over whether then-Chief of Staff Ryan Jackson had to submit to an interview.

While the same three lawmakers had soon after urged Wheeler to withdraw it, the memo remains posted on an agency website (*E&E Daily*, Dec. 13, 2019).

Their renewed call Friday for its revocation came days after tension again flared between EPA leaders and the IG's office, now headed by Sean O'Donnell.

In a step that seems to have no recent precedent, Wheeler publicly pressed O'Donnell last week to rescind a newly issued report critical of the agency's outreach to communities potentially exposed to a cancer-causing gas on the grounds that the IG had not provided a heads-up on "unresolved issues."

O'Donnell rebuffed Wheeler's request the next day, saying through a spokesman that he looked forward to further discussions on the findings (*Greenwire*, April 1).

IGs under fire

Elsewhere in the government, Congress and the White House are fighting over the role of inspectors general on at least two other fronts.

In a statement accompanying his signing of an enormous economic stimulus bill late last month, Trump questioned the authority of a newly created IG to report to Congress without "presidential supervision" on issues related to the Treasury Department's handling of loans and investments under the legislation.

Late last Friday, Trump then told lawmakers that he intends to fire Michael Atkinson, the IG for the intelligence community, who had forwarded a whistleblower's complaint to Congress last year that helped prompt the president's impeachment by the House. Trump was then acquitted by the Senate.

In notifying lawmakers of Atkinson's planned dismissal, Trump said only that he had lost "fullest confidence" in the former Justice Department lawyer.

In a lengthy statement released yesterday, Atkinson said he had followed the law in alerting Congress to the complaint and more broadly warned "of the potential harm that can result from second-guessing determinations made by independent inspectors general responding to whistleblower disclosures."

Democratic lawmakers have accused Trump of taking revenge on a dedicated government employee.

Atkinson "is a man of integrity who has served our nation for almost two decades," Senate Minority Leader Chuck Schumer (D-N.Y.) said in a statement Friday. "Being fired for having the courage to speak truth to power makes him a patriot."

Reporter Kevin Bogardus contributed.

E&E News

"Ex-ethanol lobbyist, former Hill aides join agency"

Sean Reilly

<https://www.eenews.net/greenwire/2020/04/06/stories/1062804053>

A lawyer and ethanol lobbyist with ties to a longtime Republican power broker has joined EPA's Office of General Counsel.

Adam Gustafson, previously a partner in the firm Boyden Gray & Associates, started with EPA as a deputy general counsel last Monday, the agency confirmed this morning.

"Adam brings a deep understanding of the regulatory and administrative law, extraordinary legal writing and client counseling, and demonstrated success in litigation," General Counsel Matt Leopold said in a statement this morning. Among Gustafson's areas of expertise, Leopold said, are the Clean Air Act and constitutional law, including separation of powers, religious liberty and free speech.

Agency sources told E&E News yesterday that Gustafson's work is expected to include air issues, a portfolio that was handled by former Deputy General Counsel Justin Schwab, who left EPA at the end of last year to found his own law firm (C. Boyden Gray, the founding partner of Boyden Gray & Associates, served as White House counsel during the George H.W. Bush administration and has since remained an influential behind-the-scenes figure). Under President George W. Bush, Gray was U.S. ambassador to the European Union and the special envoy to Europe for Eurasian energy.

For the past two years, Gustafson lobbied with Gray for the Illinois Corn Growers Association on issues that included ethanol, fuel economy and greenhouse gas standards, according to congressional disclosure reports. Last May, he also testified at a House Energy and Commerce subcommittee hearing in defense of EPA's fiercely contested plan to undo the legal justification for limits on power plant releases of mercury and other air toxics.

In the face of concerted industry opposition, the final version of that plan has been languishing at the White House budget office for six months, despite predictions from senior EPA officials that its release was coming soon.

It is unclear whether Gustafson's work for the agency will include attempting to shepherd the plan to public release; neither he nor EPA replied to a question on that score.

Another new political appointee at EPA is Kevin Wheeler, who also started last Monday as principal deputy associate administrator in the Office of Policy.

Before that, Wheeler served as the deputy chief of staff for policy at NOAA and also worked as executive director for the Seafood Harvesters of America; vice president of the Consortium for Ocean Leadership, where he was a registered lobbyist; and federal relations director for Brown University, according to a statement from Brittany Bolen, who heads the EPA policy office and congressional disclosure reports.

Wheeler also spent time as a staffer on what is now known as the House Science, Space and Technology Committee, she said, as well as working for former Rep. Sherwood Boehlert (R-N.Y.), who chaired the committee at the time.

One more recent hire is Abbey Linsk, who is a special assistant in EPA's Office of Congressional and Intergovernmental Relations, according to her LinkedIn profile and a report today in *Politico's Morning Energy* tip sheet. Linsk's resume includes almost three years as an aide and adviser on water issues to Sen. John Barrasso (R-Wyo.), who now chairs the Senate Environment and Public Works Committee, according to the profile.

Reporter Kevin Bogardus contributed.

Air

Scientists detect cleaner air in NYC but doubt it will outlast coronavirus shutdown

Air

New York Daily News

"Scientists detect cleaner air in NYC but doubt it will outlast coronavirus shutdown"

Larry McShane

www.nydailynews.com/coronavirus/ny-coronavirus-environmental-benefit-unlikely-to-last-20200406-vx5v3dn6evhbhdjdmarcyihleu-story.html%3foutputType=amp

With much of New York City stuck in a miserable lockdown, the air quality outside has vastly improved since the pandemic began here with the diagnosis of a Manhattan lawyer barely one month ago, scientists say.

But there's a caveat from experts: The bright development in the black cloud of the pandemic is unlikely to last once the health nightmare ends — unless local businesses and residents permanently change their behavior.

Columbia University researchers monitoring pollutant levels in Harlem found 10% drops in carbon dioxide and methane in March, along with a shocking 50% plunge in carbon monoxide. And levels of PM 2.5, the particulate matter that reduces visibility and causes an assortment of health issues, are down about 20% over the last month.

"There's no doubt reducing the amount of vehicle miles traveled last month had an impact in air quality in the region," said Dan Westervelt, an associate research scientist at Columbia. "There definitely does appear to be a decrease (in pollutants)."

The crisis led to previously unthinkable reductions in the number of cars and trucks coming into Manhattan, along with deep subway and bus service cuts. On Friday, the MTA — after already slashing bus and subway services by 25% — instructed all New Yorkers to curtail their mass transit travel except healthcare workers, first responders and other essential employees.

Ridership on the Port Authority's PATH trains was down 90% from last year, with reduced service introduced the last weekend in March.

Daily truck traffic over the George Washington Bridge, the Lincoln Tunnel and the Holland Tunnel was off by 20%, while automobile traffic on the same routes was down by a robust 55%, according to the bi-state agency.

And the congestion levels during the city's Friday night rush hour were drastically lower than last year at this time, according to the data tracking company TomTom. On March 3, 2019, heavy traffic added 38 minutes to a typical one-hour trip. One year later, the extra travel time was less than four minutes.

In Harrison, N.J., a PATH train hub with a stop 22 minutes from the World Trade Center, the typically jam-packed parking lots near the station were virtually vacant last week — a vast and lonely expanse of concrete, pavement and empty spots once filled with rows and rows of vehicles. One lot with spaces for 150 cars held just six.

A nearby four-story parking deck held only a few dozen cars as most commuters worked from home, if they were lucky enough to still have jobs.

But Jacqueline Klopp, co-director of the Center for Sustainable Urban Development at Columbia, said she didn't expect an air quality "silver lining" to emerge from the crisis.

"Those are not the words I would use," she said in a piece posted on the university website. "A lot of money is going to be put into getting the economy going again, and if we just put it back into the same polluting industries, people will continue dying."

The Environmental Protection Agency suspended enforcement of its civil environmental regulations last week in reaction to the pandemic.

"EPA is committed to protecting human health and the environment, but recognizes challenges resulting from efforts to protect workers and the public from COVID-19 may directly impact the ability of regulated facilities to meet all federal regulatory requirements," said EPA Administrator Andrew Wheeler in a statement.

Westervelt remained optimistic that some environmentally-positive changes could emerge from the quarantining that has left most people idling in their homes for weeks already.

“The good news is there is a chance some lessons are learned from the whole thing,” he said. “Like telecommuting, working from home. If businesses and commercial entities see work at home didn’t go too badly, it’s possible for a lasting impact.”

Brownfields

EPA Gives More Time to Applicants for Brownfield Funding

Brownfields

Bloomberg Environment

“EPA Gives More Time to Applicants for Brownfield Funding”

Sylvia Carignan

<https://news.bloombergenvironment.com/environment-and-energy/epa-gives-more-time-to-applicants-for-brownfield-funding>

The EPA is extending by two weeks, to April 22, its deadline for Brownfields Revolving Loan Fund applications due to the coronavirus. The EPA made an additional \$5 million available in March.

- The Environmental Protection Agency, which announced the deadline extension in the Federal Register Monday, is accepting funding applications from parties with existing revolving loan fund agreements.
- Federal brownfields funding contributes to the redevelopment of underused properties that may be contaminated.
- The Small Business Liability Relief and Brownfields Revitalization Act authorizes the EPA to make additional funds available in any year, taking the demand for funding into consideration.

Chemicals

EPA Taking Comment on Plan to Examine Risks of 13 Chemicals

Chemicals

Bloomberg Environment

"EPA Taking Comment on Plan to Examine Risks of 13 Chemicals"

Pat Rizzuto

<https://news.bloombergenvironment.com/environment-and-energy/epa-taking-comment-on-plan-to-examine-risks-of-13-chemicals>

The Environmental Protection Agency released on Monday its plans to evaluate the risks of 13 widely used chemicals. The preliminary plans describe the uses of the 13 chemicals the agency plans to examine—as required by the 2016 amendments to the Toxic Substances Control Act—as well as health and environmental concerns and any highly exposed or vulnerable populations that may warrant special attention.

The public can comment on EPA’s draft plans, or “scopes,” for 45 days once their release has formally been announced in the Federal Register.

Climate Change

Fmr. EPA administrator: Climate change risks our health when we can least afford it

Climate Change

Yahoo News

"Fmr. EPA administrator: Climate change risks our health when we can least afford it"

<https://www.news.yahoo.com/amphtml/fmr-epa-administrator-climate-change-173131469.html>

Former EPA administrator and NRDC president Gina McCarthy on why Trump's rollback of emissions regulations is especially dangerous during the pandemic.

COVID 19

[EPA Region 5 Donates Excess PPE to Frontline Workers](#)

COVID 19

Waste 360

"EPA Region 5 Donates Excess PPE to Frontline Workers"

<https://www.waste360.com/public-agencies/epa-region-5-donates-excess-ppe-frontline-workers>

[U.S. Environmental Protection Agency \(EPA\) Region 5](#) announced that it is actively working with the Federal Emergency Management Agency (FEMA) to provide excess personal protective equipment (PPE) to emergency and health professionals on the [COVID-19 frontlines](#). EPA maintains a supply of PPE for mission-critical work such as responding to emergencies, including chemical, oil, radiological and biological incidents.

"Having sufficient personal protective equipment is crucial for the emergency services personnel and health professionals on the frontlines of combating COVID-19," said EPA Administrator Andrew Wheeler in a statement. "EPA is making excess PPE available to these responders, and we also stand ready to perform missions we may be called upon to fulfill in this ongoing fight."

"We are working with our regional FEMA officials to provide what limited quantities of equipment that we have to the states in our region that need it most," said [EPA Region 5 Administrator Kurt Thiede](#) in a statement. "We don't have a lot, but we know that every bit helps."

EPA Region 5 identified more than 10,000 pieces of excess personal protective equipment after assessing how much equipment would be needed to support EPA's essential functions. Among the items are N95 masks, protective disposable gloves and full-body protective coverall suits. EPA will donate excess equipment while still maintaining its emergency response readiness.

EPA maintains a supply of personal protective equipment as part of its laboratory, inspection and emergency response functions, such as responding to chemical, oil, radiological, biological and hazardous incidents. EPA also provides additional response assistance when state and local first responder capabilities have been exhausted or when additional support is requested. EPA is currently developing an agency-wide plan for rapid distribution of available personal protective equipment to state and local governments that are working COVID-19 operations.

Enforcement

[No waivers granted, so far](#)

Enforcement

E&E News

"No waivers granted, so far"

Kelsey Brugger

<https://www.eenews.net/greenwire/2020/04/06/stories/1062803929>

EPA has not issued any waivers for "essential critical infrastructure" that cannot comply with environmental enforcement during the novel coronavirus pandemic.

Critics have charged that EPA gave industry a free pass to pollute and have called on the agency to be more transparent about its recent enforcement policy changes. As of Friday afternoon, EPA says it has not issued any waivers of noncompliance to industry.

The EPA policy, which is "temporary" but has no end date, signaled it would not seek penalties from companies that could not comply with routine monitoring and reporting during the novel coronavirus pandemic.

For general reporting, EPA directed companies to document noncompliance and present it to EPA "upon request." EPA has declined to say what information it plans to request.

But for companies deemed "essential critical infrastructure," EPA said it would consider issuing a more tailored "no action assurance," a policy EPA has a long history against (*E&E News PM*, March 26).

Infrastructure that the Trump administration has deemed "essential" and "critical" during the pandemic includes energy, nuclear, emergency services, dams and critical manufacturing used to make iron and steel, cars, mining equipment, and more.

A full list of what the administration has deemed critical infrastructure during COVID-19 can be found by [clicking here](#).

In a recent interview, Joel Gross, a former head of enforcement at the Department of Justice, said EPA historically has a history against issuing no action assurances "because they don't want to be in the habit."

"They are not like the IRS, which is more set up for doing no action assurances," he said. "It is really the presumption that they don't do that."

Generally, Gross, now a partner at Arnold & Porter, called the EPA policy "a commonsense approach."

"This is getting at more of bureaucratic paper record-keeping requirements that are a staple of environmental laws," he said. "[EPA is] just saying the laws weren't written at a time where we were telling people to stay away from each other.

"I think they are trying to paint with some broad strokes, let's be reasonable with this and trusting that in the short period of time companies are going to do the right thing," Gross said.

Environmentalists have claimed the EPA policy lacks clarity and gives oil companies a free pass to pollute for an unknown amount of time.

They have petitioned the agency to publish more enforcement records and have all but threatened to sue.

Pesticides

[EPA Internal Watchdog to Investigate Dicamba Registration](#)

Pesticides

Bloomberg Environment

"EPA Internal Watchdog to Investigate Dicamba Registration"

Stephen Lee & Adam Allington

<https://news.bloombergenvironment.com/environment-and-energy/epa-internal-watchdog-to-investigate-dicamba-registration>

The inspector general of the Environmental Protection Agency is planning to investigate whether agency officials acted properly when they approved the powerful herbicide dicamba for crop use in recent years.

The probe aims “to determine whether EPA policies and procedures were effective in addressing stakeholder risks in the EPA’s Dicamba pesticide registration decisions in 2016 and 2018,” the EPA’s Office of Inspector General (OIG) said in an April 3 news release.

Bayer AG, BASF Corp, and Corteva Agriscience produce dicamba, which has been approved for use in the U.S. since the 1960s. EPA allowed farmers to use it on growing crops starting in 2017, and since then, state departments of agriculture have fielded thousands of reports for millions of acres of damaged crops from drifting dicamba.

The OIG wants to see whether the EPA has adequate controls in place to ensure it reviews pesticides for their potential risks to human health and the environment, and that it “adheres to federal requirements and scientifically sound principles,” according to the watchdog’s 2020 workplan.

Such investigations typically take about 12 to 18 months to complete, the OIG said, declining further comment. An EPA spokesman said it is “looking forward to working with OIG on this investigation.”

Dicamba Dilemma

The investigation comes as the EPA is planning to decide by Dec. 20 whether to renew dicamba’s registration. In 2018, the agency opted to approve the pesticide for a two-year provisional registration, rather than a typical 15-year registration, to see if new use labels and training requirements could minimize the number of drift complaints.

The EPA is facing a lawsuit over its provisional registration of dicamba from a coalition of farming and environmental groups. The U.S. Court of Appeals for the Ninth Circuit had scheduled oral arguments in *National Family Farm Coalition v. EPA* for April 21.

Dicamba drift could cost Bayer and BASF \$265 million after a federal jury in February ordered the companies to pay compensatory and punitive damages in a case involving Bill Bader, a Missouri peach farmer who claimed that dicamba from another field killed his trees. Both Bayer and BASF say they plan to appeal the verdict in *Bader Farms v. Monsanto*.

Tense Relationship

The probe into dicamba registration also comes at a time when the relationship between EPA and its internal watchdog has grown increasingly tense.

Much of the friction stems from the agency’s alleged stonewalling of an investigation about how Ryan Jackson, the former EPA chief of staff, got an advance copy of congressional testimony before a 2017 House hearing. Last December, the OIG said those refusals threatened to reduce it to a “no man’s land” whose requests can easily be ignored.

Jackson, who now heads the National Mining Association's government and political affairs shop, has denied the allegations. He said he met with the EPA's internal watchdog at least 27 times, and claims he was once badgered by two OIG investigators who arrived at his office unannounced and argued with his assistant for nearly an hour about his whereabouts.

In the meantime, the OIG has kept up a busy pace of investigations, issuing a steady stream of reports that have poked at many of the EPA's most sensitive priorities. Recently, the inspector general said the agency's enforcement is dipping, its emergency response plans have holes, and its whistleblower protections are incomplete.

Regulation

The EPA's "Enforcement Moratorium" During The Coronavirus Outbreak Is Coming Under Fire

Warren, Markey knock EPA over 'highly dangerous and irresponsible' rollback amid pandemic

Regulation

Buzzfeed

"The EPA's "Enforcement Moratorium" During The Coronavirus Outbreak Is Coming Under Fire"

Zahara Hirji

www.buzzfeednews.com/amphtml/zaharahirji/warren-epa-coronavirus-letter-polluters

Lawmakers are pushing back against a sweeping rollback of pollution regulations recently announced by the Environmental Protection Agency in response to the coronavirus pandemic, according to a letter from Massachusetts Senators Elizabeth Warren and Edward Markey shared with BuzzFeed News.

On March 26, the EPA announced a temporary relaxing of enforcement rules, allowing factories, power plants, and other companies to stop conducting routine tests for pollutants and reporting them to the agency if they could claim the pandemic had led to a shortage of staff or other operational challenges.

"This pandemic isn't an excuse for polluters to ignore the law and for EPA to let them get away with it," Warren told BuzzFeed News in an email. "It's absurd that Donald Trump and former coal lobbyist Andrew Wheeler are using this public health and economic crisis as a cover to roll back environmental laws. The government should be focused on protecting public health now, not making it worse."

The new EPA rule states that the agency would not issue fines for "violations of routine compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification obligations in situations where the EPA agrees that COVID-19 was the cause of the noncompliance." The guidance is retroactively effective to March 13 with no current end date in place.

Companies are still being required to maintain various records and must turn them over to the agency upon request, according to the EPA. Moreover, companies are being told to "make every effort to comply with their environmental compliance obligations." EPA has said it will review all identified violations on a case-by-case basis.

"The claims made by the Senators' are false," an EPA spokesman told BuzzFeed News in an email. "EPA's enforcement authority and responsibility remains active. It is not a nationwide waiver of environmental rules."

In their letter, Warren and Markey asked the EPA to respond to six questions about the rationale for the new policy and who weighed in on it, clarification on how it will be carried out, and what will factor into the decision to end it.

“Did you meet with or communicate with officials or lobbyists representing the oil and gas, coal, automobile, or other polluting industries prior to announcing this decision? Please provide a record of all meetings and communications regarding this decision with these industry representatives,” the senators wrote.

The EPA is refusing to say how many companies have requested non-compliance waivers under the new policy, E&E News has reported.

The senators also asked about whether the agency conducted any analyses to determine how the policy will impact pollution levels, and what that could mean for environmental justice communities.

Some public health experts have warned that people suffering from lung damage due to poor air quality, such as from air pollution, could experience serious complications if they contract the coronavirus.

The Hill

“Warren, Markey knock EPA over 'highly dangerous and irresponsible' rollback amid pandemic”

Rachel Frazin

<https://thehill.com/policy/energy-environment/491346-warren-markey-knock-epa-over-highly-dangerous-and-irresponsible>

Massachusetts Sens. Elizabeth Warren and Ed Markey are slamming Environmental Protection Agency (EPA) guidance that eased environmental compliance standards amid the coronavirus pandemic, joining a chorus of other Democrats and environmentalists who oppose the action.

“It is disturbing that the administration would use this global public health crisis as cover to weaken regulations that protect our nation's air, water, lands, climate, and public health,” wrote Markey and Warren in a letter to EPA administrator Andrew Wheeler on Friday.

“In the midst of a respiratory disease outbreak, rolling back environmental safeguards, particularly those that protect clean air and reduce lung disease and asthma is highly dangerous and irresponsible,” they added.

The Democratic senators also questioned the authority, rationale and process behind the decision.

Their letter comes after the EPA announced late last month that it would suspend enforcement actions against companies who don't monitor for pollution during the coronavirus outbreak.

The agency said in a statement that companies are expected to “comply with regulatory requirements, where reasonably practicable, and to return to compliance as quickly as possible.”

The policy is temporary, but does not have an end date.

An EPA spokesperson on Monday pushed back on the senators' characterization, saying in an email to The Hill that the guidance “is not a nationwide waiver of environmental rules.”

“Regulated parties must document the basis for any claim that the pandemic prevented them from conducting that routine monitoring and reporting and present it to EPA upon request,” the spokesperson said. “This action was necessary to avoid tying up EPA staff time with questions about routine monitoring and reporting requirements and instead allow EPA to focus on continued protection of human health and the environment.”

“The policy does not say that the COVID-19 pandemic will excuse exceedances of pollutant limitations in permits, regulations, and statutes. EPA expects regulated entities to comply with all obligations and if they do not, the policy says that EPA will consider the pandemic, on a case-by-case basis, when determining an appropriate response,” the official added.

Democrats and green groups have condemned the change.

Last week, lawmakers in the House Sustainable Energy and Environment Coalition called the guidance “irresponsible” and said in a letter that it “neglects the Agency’s core mission to protect public health.

A coalition of environmental groups has also petitioned the EPA for more stringent disclosure of which companies have suspended environmental monitoring, saying that the policy “creates a clear opportunity for abuse.”

The EPA has defended its action.

“Contrary to allegations you may have read, EPA continues to enforce the environmental laws,” Wheeler wrote in a letter to every member of Congress.

RFS

Feds ask justices to reject RFS appeal

RFS

E&E News

“Feds ask justices to reject RFS appeal”

Pamela King

<https://www.eenews.net/greenwire/2020/04/06/stories/1062803563>

The Supreme Court should not require EPA to revisit its execution of its renewable fuel standard, attorneys for the government argued Friday.

After the U.S. Court of Appeals for the District of Columbia Circuit tossed out a lawsuit over EPA's 2010 "point of obligation" rule, Valero Energy Corp. and American Fuel & Petrochemical Manufacturers asked the high court to intervene.

The justices agree to hear only about 1% of cases they receive. Lawyers for the Justice Department asked the court to add *Valero v. EPA* to the court's list of rejected petitions.

"The court of appeals correctly declined to disturb the EPA actions reflected in the decisions below," DOJ wrote in a Friday brief. "Those decisions do not conflict with any decision of this Court or of another court of appeals.

"Further review is not warranted."

Valero and AFPM wrote in their petition to the Supreme Court that EPA has failed to fulfill its congressional mandate to annually reconsider whether its renewable fuel standard applies to the appropriate parties (Greenwire, Jan. 3).

Refineries and importers must comply with the standard, but biofuel blenders are not subject to the same requirements.

DOJ urged the Supreme Court to let EPA's system stand.

"EPA determined that moving the point of obligation to encompass blenders would have the counterproductive effects of greatly increasing the number of obligated parties and the complexity of the renewable-fuels program," DOJ wrote.

"EPA observed that many blenders are 'very small entities, including retail station owners' that 'may not have the resources or expertise to comply' with program requirements."

Science Transparency

If you have to ask EPA for data, are they really public? Agency critics say no

Science Transparency

Science Magazine

“If you have to ask EPA for data, are they really public? Agency critics say no”

What is a public document? That question is the latest battleground in the yearslong war over proposed changes in what kinds of studies and data the U.S. Environmental Protection Agency (EPA) will allow to be considered in shaping regulations.

The changes, which EPA says are meant to promote transparency and “sound science,” have been fiercely criticized by the research community and environmental groups. They would generally bar the agency from using data that are not publicly available. But critics worry that excluding those data will allow EPA to ignore studies that rest on difficult-to-release information, such as confidential patient records, that have played a key role in shaping stiffer regulations.

Last month, EPA opened a new front by proposing to define a public document in a way that critics say runs counter to the agency’s professed goal of transparency. The definition, included in a 3 March EPA notice seeking additional comments on the broader transparency proposal, covers documents available through “disclosures to the general public that are required to be made by federal, state, or local law.” In practice, that means the definition encompasses data and documents that can be obtained from EPA only through requests made under the federal Freedom of Information Act (FOIA).

The problem with the FOIA process, environmental groups say, is that it can be slow, cumbersome, arbitrary, and costly. They believe the public will wind up knowing less, rather than more about how EPA operates if the agency can decide what information to release. And they fear it could allow EPA to continue to use industry-supplied data that are not actually public while barring the use of other studies that have been published in the open literature.

For example, they note EPA routinely requires and uses unpublished industry-sponsored studies and industry-generated information to assess and regulate chemicals. But that information is “held behind a FOIA wall that is slow and difficult to get over, and largely impenetrable to the general public,” says Jennifer Sass of the Natural Resources Defense Council (NRDC), one of many groups that routinely submit FOIA requests to EPA.

The agency can take months or years to fully respond to a FOIA request, Sass notes, and some disputes are ultimately resolved by a federal judge. That often leaves outsiders in the dark about what data EPA is using to shape its rules, says NRDC’s Lucas Rhoads, who tracks pesticide regulation. “Without the documents,” he says, “it’s hard to make substantive comments on what EPA has proposed.”

Relying on FOIA to determine what is publicly available is a bad idea, believes Steven Aftergood, who directs the Federation of American Scientists’s Project on Government Secrecy. “To say that something is FOIA-able is actually admitting that it is not publicly available ... if it were, a FOIA request would be redundant,” Aftergood says, adding that he files FOIA requests “on an almost daily basis.”

Agencies already have ample leeway to deny a request, he notes, including if it would result in the disclosure of personal data or trade secrets. “There are lots of things that you ask for that will not be released,” he says.

Letting EPA call the shots is fine with Steven Malloy, a Washington, D.C.–based lobbyist and libertarian political commentator who has advocated for EPA’s transparency proposal. “The government gets to decide what it wants to give you,” Malloy says. “That’s how FOIA works.”

Malloy doubts EPA would use FOIA to deny requests for research data. “If you just want the raw environmental data, I can’t think of a reason that the government wouldn’t give it to you,” he says.

Aftergood and Rhoads, however, suggest a much better way for EPA to meet its transparency goal would be to create a searchable, online library of all documents and data it uses in its work. Aftergood even offers a simple yardstick for meeting that goal: “If I look it up, I’ll find it.”

The battle over the rule is expected to stretch well into the year. EPA initially asked for comments by 17 April, but yesterday it extended the deadline to 18 May, responding to complaints that the coronavirus pandemic had disrupted the process.

Representative Eddie Bernice Johnson (D-TX), who leads the House of Representatives science committee, disagrees with the new proposed rule. But she and other Democrats have welcomed the extension.

“Now, more than ever, we can appreciate the importance of using the best available science to protect public health,” she said in a statement. “I hope EPA will facilitate the public’s ability to comment on this dangerous rulemaking in a time of unprecedented disruption to everyday life.”

Water

EPA Orders Hawaii to Reexamine Plastic Pollution in State Waters

Water

Bloomberg Law

“EPA Orders Hawaii to Reexamine Plastic Pollution in State Waters”

Maya Earls

<https://news.bloombergenvironment.com/environment-and-energy/epa-orders-hawaii-to-reexamine-plastic-pollution-in-state-waters>

The EPA has withdrawn its approval of Hawaii’s list of impaired waters under the Clean Water Act and ordered the state to evaluate all available water quality data for plastics following a lawsuit filed by environmental groups.

The Center for Biological Diversity, Surfrider Foundation, and Sustainable Coastlines Hawaii said in their lawsuit filed in February that the EPA failed to consider microplastics pollution when approving Hawaii’s lists sent to the agency in violation of the Clean Water Act and the Administrative Procedure Act.

The groups have now agreed with the EPA to stay the case until July, according to a joint motion filed in the U.S. District Court for the District of Hawaii April 3.

The agency said in its letter withdrawing its approval that Hawaii’s 2018 submission didn’t demonstrate that the state “satisfied its statutory and regulatory obligation to assemble and evaluate all existing and readily available data and information related to plastics.”

The agency has asked the state to submit a new evaluation of plastics data and, if appropriate, an assessment of whether state waters are meeting water quality standards by May 29.

Angela Howe, legal director at the Surfrider Foundation, said in a press release that plastic pollution activists are pleased to see the EPA’s decision.

“This is a critical first step to address marine plastic pollution through our nation’s water quality protection laws and to help prevent future degradation of beaches, coral and marine life,” Howe said.

The environmental groups and the agency have entered settlement negotiations, according to court records.

The U.S. Department of Justice represents the EPA. The Center for Biological Diversity represents the environmental groups.

The case is Ctr. for Biological Diversity v. EPA, D. Haw., No. 1:20-cv-00056, 4/3/20.

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202 564 4318
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From: Woods, Andrea [Woods.Andrea@epa.gov]
Sent: 5/4/2020 10:39:25 PM
To: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]; Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Voyles, Travis [Voyles.Travis@epa.gov]
CC: Schiermeyer, Corry [schiermeyer.corry@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Walters, Ben [Walters.Ben@epa.gov]; Johnson, Taylor [Johnson.Taylor.C@epa.gov]; Murray, William [Murray.William@epa.gov]
Subject: 5.04.20: Daily Media Brief
Attachments: 5.04.20 Daily Media Brief.docx

Sir,

Please see today's media report attached and below.

Also, just to update you on the radio interview request with WOSU Columbus (All Sides with Ann Fisher) that I flagged last week – they are unable to do a pre-tape for this interview. Since the interview is going to air at the same time as the brownfields announcements on Wednesday, we declined the interview and will coordinate with OAR on written responses to their questions.

Daily Media Brief - 5/04/20

Most common and notable inquiry topics

1. NWPR litigation
2. Letter from Rep. Andy Harris on Harvard Study

Rolling Stone/Amy Westervelt

Topic: History of PM2.5 (see questions below)

Status: Developing response with ORD & OAR. We requested reporter's deadline and have not heard back yet.

I'm working on a story for Rolling Stone about the history of PM 2.5 regulation and I'm not entirely sure if they will have a fact-checker on it, so am double-checking various things myself just in case. Could you please confirm or correct the following?

- Was Steve Milloy part of the Trump EPA Transition Team?
- Mr. Milloy has categorized his involvement with the transition team to me as "I was the only person on the team with a background in EPA science, so I was brought on to write the science part of the transition plan." Is this accurate?
- Mr. Milloy also asserted that the proposed Strengthening Transparency in Regulatory Science rule arose out of his previous work on PM 2.5, the Data Quality Act, and a paper commissioned by the DOE in the 1990s in which he evaluated whether EPA rules were generally based on science or politics. Can you please confirm or correct this statement?
- Mr. Milloy also said that EPA Administrator Wheeler was "a consultant for us [Murray Energy] when I was working in the coal industry." Please confirm, deny or correct that description.
- The current deadline for public comment on the Strengthening Transparency in Regulatory Science rule is May 18, 2020. As of the current date is that likely to change?
- The EPA is proposing that PM2.5 standards remain the same. The Federal Register post about this proposal reads, "Based on the Environmental Protection Agency's (EPA's) review of the air quality criteria and the national ambient air quality standards (NAAQS) for particulate matter (PM), the Administrator has reached proposed decisions on the primary and secondary PM NAAQS." Could you point me to the documentation behind these decisions?

The Baltimore Sun/Pamela Wood

Topic: NWPR lawsuit

Status: Responded

Response: EPA does not comment on specific pending litigation. EPA and the Department of the Army believe that the Navigable Waters Protection Rule will stand the test of time as it is securely grounded in the text of the Clean Water Act and is supported by legislative history and Supreme Court case law. Congress, in the Clean Water Act, explicitly directed the Agencies to protect “navigable waters.” The Navigable Waters Protection Rule regulates these waters and the core tributary systems that provide perennial or intermittent flow into them.

Also provided to Argus Media (Courtney Schlisserman), Bloomberg Environment (Ellen Gilmer), Courthouse News (Nicholas Iovino), The Hill (Rebecca Beitsch), Law360 (Juan Carlos Rodriguez)

Washington Post/Dino Grandoni

Topic: Rep. Harris letter on Harvard study

Status: Responded

Response: We are reviewing the letter and will respond through proper channels. Drawing conclusions from a study without peer review and with insufficient data is irresponsible and paints a distorted scientific picture.

EPA’s temporary enforcement guidance is not a blanket waiver of enforcement and does not allow for increases in emissions. All regulated entities are expected to comply with all applicable requirements.

The Harvard Study’s authors have miscalculated our guidance and are also making false assumptions about our NAAQS proposal. The authors fail to take into account that PM_{2.5} has decreased substantially over the past decade. During the period the study used as its basis, the U.S. had far lower fine particulate matter (PM_{2.5}) levels than almost any country in the world. In fact, PM_{2.5} concentrations in the U.S. fell by 39 percent between 2000 and 2018 while average PM₁₀ concentrations fell by 31 percent during the same period.

Also provided to Daily Caller (Christopher White), Bloomberg Environment (Amena Saiyid), E&E News (Sean Reilly), The Hill (Rebecca Beitsch)

Bloomberg/Jen Dlouhy

Topic: House Natural Resources Committee roundtable on Trump Admin’s Pandemic-Era Regulatory Rollbacks and Fossil Fuel Agenda

Status: Responded (approved by OCIR)

Response: EPA was not asked to provide a witness for this roundtable.

Bloomberg Industry/Adam Allington

Topic: Bio-pesticides and biostimulants

Status: Developing response. Deadline is 5/5.

Bloomberg Industry Group/Stephen Lee

Topic: SEE Employees

Response: SEE enrollees participate in a work experience program that is fundamentally different than EPA’s federal employees. While enrollees play an important role in supporting EPA’s mission, it is incorrect to assume that the responsibilities are interchangeable with those of the agency’s federal employees.

Daily Mail/Mary Kekatos

Topic: Waste surveillance & COVID-19

Status: Developing response. No deadline provided

E&E News/Sean Reilly

Topic: Residential wood heater NSPS

Status: Responded (approved by OAR)

Response: The proposed rule under OMB review is not a correction to the finalized wood heater NSPS. Rather, we are working with impacted small businesses to address the fact that, given the commercial disruption associated with the ongoing COVID-19 situation, those businesses have been deprived of the opportunity they would have otherwise had to sell step-one compliant wood heaters prior to the May 15, 2020 deadline.

Fair Warning/Myron Levin

Topic: Defeat devices

Status: Developing response. Deadline is week of 5/11.

Forbes/Scott Carpenter

Topic: PermianMAP initiative

Status: Developing response with OAR. Deadline is 5/5.

Nexstar Media Group/Raquel Martin

Topic: RFS exemptions

Status: Responded (approved by OAR)

Response: The agency is watching the situation closely, and will make the appropriate determination at the appropriate time.

Vox/Jasmin Malik Chua

Topic: Waste and COVID-19

Status: Responded (approved by OLEM)

Response: EPA does not have any data on that at this time. The following organizations may have some pertinent information:

Institute for Scrap Recycling Industries: <https://www.isri.org/covid-19>

Solid Waste Association of North America: [https://swana.org/initiatives/guidance-on-coronavirus-\(covid-19\)](https://swana.org/initiatives/guidance-on-coronavirus-(covid-19))

National Waste & Recycling Association: <https://wasterecycling.org/>

Recycling Partnership: <https://recyclingpartnership.org/covid-19/>

WKRC-Local Channel 12

Topic: Interview with ORD re: EPA's SARS-CoV-2 wastewater surveillance project

Status: Interview scheduled with ORD's Jay Garland

Andrea Woods

Deputy Press Secretary

U.S. Environmental Protection Agency

Office of Public Affairs

202-564-2010

Message

From: Garvey, Megan [garvey.megan@epa.gov]
Sent: 4/3/2020 9:45:37 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
CC: Coxen, Carrie [coxen.carrie@epa.gov]
Subject: FW: Friendly Reminder to send me by COB today your topic list and feedback on the ABA SEER Keynote panel outline
Attachments: Keynote Discussion Questions.DOCX

Importance: High

Doug,

Mary Kay requests feedback on the attached discussion questions and the topics you plan to cover in your 5-7 minute opening statement for the April 13 ABA panel. For your opening statement, and since it's top of mind, you could talk about what you've learned so far, as you have gone from RA to Senior Counselor to DA. Something similar to your opening statement at your hearing?

Let us know how we can help. Carrie – you were on the most recent planning call. Anything to add?

Megan

Megan E. Garvey
Senior Counselor
720.376.9870

From: Lynch, Mary-Kay <Lynch.Mary-Kay@epa.gov>
Sent: Friday, April 3, 2020 9:58 AM
To: Benevento, Douglas <benevento.douglas@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Wright, Peter <wright.peter@epa.gov>
Cc: Garvey, Megan <garvey.megan@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Hall, Tayoka <Hall.Tayoka@epa.gov>; Grable, Melissa <Grable.Melissa@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Giddings, Daniel <giddings.daniel@epa.gov>; Lynch, Mary-Kay <Lynch.Mary-Kay@epa.gov>
Subject: Friendly Reminder to send me by COB today your topic list and feedback on the ABA SEER Keynote panel outline

All, this is a friendly reminder to send me your topic list and feedback on the keynote panel outline that Ron prepared. The plan is for me to get this to him COB today.

To briefly recap some logistics and topics:

1. The keynote panel will be pre-recorded the week of April 13 and made available on the ABA SEER website on April 23rd. There will be a practice session next week (week of April 6). I will have more technical details COB today.
2. Based on feedback from this group to date we will plan on Doug, Alex, and Peter each giving a 5-7-minute presentation and then 40 minutes of questions and answers.
3. Draft Topic list: **(Please edit this list)**

a.
b.
c.

Ex. 5 Deliberative Process (DP)

4. **What Ron is hoping to get today is a list of topics that you each plan to cover in your opening remarks and any feedback you have on the attached keynote discussion questions.** Knowing the topics will help him Ron the questions. If you send me the information, I can compile it and send it along to him.
5. I suggest you share your prepared remarks or outline of remarks with this group by COB Monday. We can then transmit them to Ron on Tuesday and aim for a practice session later in the week.

Let me know if you have any questions.

Mary Kay 202 731-3667

From: Lynch, Mary-Kay <Lynch.Mary-Kay@epa.gov>

Sent: Tuesday, March 31, 2020 8:51 AM

To: Benevento, Douglas <benevento.douglas@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Wright, Peter <wright.peter@epa.gov>

Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Garvey, Megan <garvey.megan@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Hall, Tayoka <Hall.Tayoka@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Morgan, Ruthw <morgan.ruthw@epa.gov>; Lynch, Mary-Kay <Lynch.Mary-Kay@epa.gov>; Coxen, Carrie <coxen.carrie@epa.gov>; Eng, Connie <Eng.Connrie@epa.gov>

Subject: ABA SEER Keynote Panel-Draft Outline for review and follow-up

Doug, Peter, and Alex,

Nancy and I received the attached outline from Ron and think it is excellent and manageable. Ron identified the topics and tried to give a sense of the “conversational style” he would bring to the discussion. This doesn’t take account of what you may choose to address in your opening few minutes. Ron’s thought is that if you choose to hit one or several of these topics hard than that would likely make it less likely for him to then hit them in the Q&A portion. We don’t have a further update on the logistics, but all activity will be in accord with CDC guidance.

Of course, this is all subject to your views and preferences. A few suggestions in terms of next steps.

1. Please let me know what changes you would like to see. Specifically: any topics that you would like to add or delete; any topics you would like to scale up or down in terms of time; and changes in who fields particular questions. Any other adjustments?
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Please let me know if this does not work for any of you.

Mary Kay (202) 731-3667

Draft Keynote Discussion Questions, ABA SEER Spring 2020

Draft Date 3/23/2020

Panel: Doug Benevento

Alex Dunn

Peter Wright

Moderator: Ron Tenpas

1. Corona virus -- General -- So let's start with the obvious elephant in the room, or perhaps the thing preventing us all from being in the room together – the coronavirus. For folks listening, please understand that this has been taped about a week before actual distribution so if any of the following seems “out of date” please chalk it up to that lag.

Doug – I imagine you see this from the overall perspective of the Agency across a range of programs, while Alex and Peter may have more particular areas of focus within their programs. So Doug let's start with you, how has corona virus impacted the day-to-day workings at the Agency or the substantive topics that take up your time?

Alex – Same question, how are things in your area?

FIFRA and approved claims/uses (possible specific follow-up) – Alex, one area your office regulates is FIFRA, which has some immediate importance with respect to approved claims to kill viruses, such as for household cleaners and the like. EPA has been making efforts to expedite review and approval in that area. Can you speak to that effort specifically – what it has entailed and what might yet occur?

Peter – How about OLEM? What has been the impact?

2. Corona Virus -- Potential Accommodations/Compliance Assistance to the Regulated Community

Directed to All 3: Just like the Agency itself is impacted, those in the regulated community are facing increasing challenges as staffing is curtailed, supply chains are interrupted and similar disruptions occur. Some of those may have a direct bearing on the ability to meet certain compliance objectives – whether it is meeting a permit emission or discharge requirement, record-keeping and reporting, and meeting time-lines or deadlines under a consent decree. How has the Agency been thinking about addressing those issues, either globally or for a particular industry or regulatory requirement?

Are you coordinating with the States on this?

DOJ?

3. Corona virus – transition

Directed to All 3: At some point, hopefully sooner rather than later, we'll be returning to something that feels closer to “normal” both in day-to-day work and, hopefully, day-to-day challenges and opportunities. And obviously the economy has taken a hit and the full scope of that is not yet clear. So there is a lot of uncertainty. But with that caveat, would any of you like to gaze into the crystal ball

and project what are likely to be the things that the Agency may do, or strive to do, to assist in the recovery from this?

Are there any analogies to this in the Agency's experience, or in your personal experience – is this like the aftermath of natural disasters, a government shut-down, post 9/11 or post-economic recession of 2008/2009? All four?

4. Priorities outside corona virus aftermath

Directed to All 3: Presumably at some point you are able to refocus, or solely focus, on more traditional Agency work and priorities. Assuming that things reach some stability that looks a bit more like "business as usual," what do you see as major priorities to achieve or conclude in 2020?

Is the focus on finishing out efforts that are underway, launching new efforts, or some of each?

5. Regulatory Reform

Directed to All 3: This Administration has placed a large emphasis on regulatory reform, ranging from big picture actions that involve actually regulatory changes to more "good government" changes like publication of Agency guidance.

Can you talk about how that has carried through generally at the Agency? Are there items that you consider the bell weather markers of success? What remains left of highest priority?

5. Specific topics

PFAS – All 3: PFAS, PFOA and the related chemical families have gotten a lot of attention, primarily due to concerns connected with potential drinking water impacts. Can you talk about what you see as the way forward and, in particular, what is possible in the absence of further Congressional legislation and what might change with enactment of new authorities?

What is good science – Doug (?), There has been a lot of attention to how the Agency develops and uses science – what counts as good science, what does it take to have unconflicted but still knowledgeable science advisors and similar issues. One major aspect of that is the Science Transparency Rulemaking. Can you one of you talk about that rulemaking in particular but also more generally about the concerns that have animated this Administration and that you've been seeking to address?

Superfund Reform – Peter, An early and highly publicized effort early in the Administration was Superfund reform. Administrator Pruitt seemed particularly invested in it. Where does that effort sit today? Are you done? Was it a success? If so, in what way?

TSCA Implementation -- Alex, not long before you came into office (at least "not long" by Washington standards), Congress approved major changes to TSCA in what was perhaps the most consequential piece of environmental legislation to get through Congress in many years, maybe since the Clean Air Act amendments in the 1990s. That has tee'd up a vast array of new regulatory duties for your offices. Can you talk about that – where it stands, challenges and what is next?

Message

From: Woods, Andrea [Woods.Andrea@epa.gov]
Sent: 4/3/2020 9:41:34 PM
To: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]; Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]
CC: Schiermeyer, Corry [schiermeyer.corry@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Johnson, Taylor [Johnson.Taylor.C@epa.gov]; Walters, Ben [Walters.Ben@epa.gov]; Murray, William [Murray.William@epa.gov]
Subject: 4.03.20: Daily Media Report
Attachments: 4.03.20 Daily Media Brief.docx

Sir,

Please see today's media report below and attached:

Daily Media Brief - 4/03/20

Most common and notable inquiry topics

1. Science transparency/comment deadlines
2. Wyoming Class VI Wells announcement

NYT/Lisa Friedman

Topic: EPA's actions to combat fake products

Status: Responded.

Note: This inquiry came in late last night. We were able to arrange a quick background phone call with Lisa and Susan Bodine to discuss the actions being taken. Story posted this morning:

<https://www.nytimes.com/2020/04/03/climate/epa-fake-coronavirus-cleaners.html>

E&E News/Ariana Figueroa

Topic: Legal Action for Fake COVID-19 cleaners

Status: Responded. Shared press release with reporter

E&E News/Carlos Anchondo

Topic: Wyoming and Class VI wells

Status: Responded. (Approved by Region 8 & OW)

Response: 'Consistent with the provisions and intent of various environmental laws, EPA routinely delegates various environmental permitting programs to states who apply and demonstrate the capacity to implement them. In this case Wyoming applied and demonstrated the capacity to implement.'

Response also provided to Politico (Alex Guillen)

The Hill/Rebecca Beitsch

Topic: Trump administration rolls back Obama-era fuel efficiency standards

Status: Referred to NHTSA

Utility Dive/Catherine Morehouse

Topic: Feinstein, Quigley, Porter letter

Status: Developing response with OECA

Chemical Watch/Terry Hyland

Topic: Supplemental materials on TSCA requested by Rep. DeGette at Feb. 27 hearing

Status: Responded. (Approved by OCIR/OCSPP)

Response: We are working with the Committee and Members on addressing a number of follow-up questions from the hearing.

Arizona Daily Star/Tony Davis

Topic: New enforcement policy

Status: Responded (approved by OECA)

Response: **Attributable to an EPA Spokesperson**

Routine reporting and monitoring is an important aspect of compliance. However, there are numerous other requirements, imposed by permits, regulations and statutes that are critical in protecting public health and the environment. The temporary policy does not excuse exceedances of pollutant limitations imposed through these permits, regulations and statutes.

The temporary policy also does not provide a blanket waiver of routine monitoring, sampling and reporting requirements. We expect much will continue, including reporting to states or EPA as required under the applicable permit, regulation, agreement, or statute. However, for routine monitoring, sampling and reporting that cannot be performed due to the COVID-19 pandemic, the temporary policy states that EPA will not seek penalties, if, on a case-by-case basis, EPA agrees that such noncompliance was caused by the COVID-19 pandemic. Diverting EPA staff time to respond to individual questions about routine monitoring and reporting would hinder EPA's ability to focus on protection of human health and the environment during this critical period. Authorized states may set different expectations.

The Hill/Rachel Frazin

Topic: Extending comment period for rulemakings

Status: Responded after deadline. Reporter has updated her story

Response: EPA is committed to giving the public ample time to participate in the rulemaking process as we continue moving forward with our regulatory agenda. Understanding that we are working under unprecedented times, EPA will continue to take this into consideration as we make progress on our mission of protecting human health and the environment.

NOTE: Reporter did not provide press office with her deadline. While we were waiting for OP approval, reporter's story posted.

Andrea Woods

Deputy Press Secretary

U.S. Environmental Protection Agency

Office of Public Affairs

202-564-2010

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Message

From: Coxen, Carrie [coxen.carrie@epa.gov]
Sent: 5/29/2020 12:28:04 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
CC: Scott, Corey [scott.corey@epa.gov]; Eng, Connie [Eng.Connie@epa.gov]; Garvey, Megan [garvey.megan@epa.gov]
Subject: DOUG'S INTERNAL FRIDAY, MAY 29TH CALENDAR AND MATERIALS
Attachments: InfoSec Status Brief for DA - May 29.pptx; Anne Idsal 2020 PARS.pdf

Doug,

Please see below for the most updated version of today's schedule. Several meetings conflict with the Administrator's. Please let me know what we need to fix to make your schedule align better. Attached are materials for your cybersecurity and midyear with Anne.

Thanks!
Carrie

9:15 AM – 10:00 AM

10:00 AM – 10:30 AM

10:00 AM – 10:30 AM

10:30 AM – 11:15 AM

11:00 AM – 11:30 AM

11:30 AM – 12:00 PM

12:00 PM – 12:30 PM

12:30 PM – 1:00 PM

1:00 PM – 2:00 PM

2:00 PM – 2:30 PM

2:30 PM – 3:00 PM

Ex. 5 Deliberative Process (DP)

2:30 PM – 3:00 PM

3:00 PM – 3:30 PM

3:30 PM – 4:00 PM

3:30 PM – 4:15 PM

4:30 PM – 5:00 PM

5:00 PM – 5:30 PM

Ex. 5 Deliberative Process (DP)

From: Hyman, Alana [Hyman.Alana@epa.gov]
Sent: 5/29/2020 12:59:17 AM
Subject: Calendar for Administrator Wheeler: Friday, May 29, 2020

**Calendar for Administrator Wheeler
Friday, May 29, 2020**

- 8:30 AM – 9:00 AM Daily Briefing
Administrator's Office/ Conference Call

- 10:00 AM – 10:30 AM Call with Chris Jahn, Robert Simon, and Ross Eisenberg;
American Chemistry Council
Administrator's Office/ Conference Call

- 10:30 AM – 11:15 AM Briefing: Hurricane Preparedness (Peter Wright, Barry
Breen, Steven Cook, Reggie Cheatham, Becki Clark,
Nancy Grantham, Andrea Woods, Corry Schiermeyer,
Travis Voyles)
Administrator's Office/ Conference Call

- 11:30 AM – 12:00 PM Briefing: Reoccupying EPA Facilities
Administrator's Office/ Conference Call

- 12:00 PM – 2:00 PM Executive Planning

- 2:00 PM – 2:30 PM Check-in with David Dunlap
Administrator's Office/ Conference Call

- 2:30 PM – 3:00 PM Briefing: Science Transparency (David Dunlap, Lindsey
Jones, Brittany Bolen, Kevin Wheeler)
Administrator's Office/ Conference Call

- 3:00 PM – 3:30 PM Check-in with OAR
Administrator's Office/ Conference Call

- 3:30 PM – 4:15 PM Briefing: Iowa Start-up, Shutdown, Malfunction Issue
(Anne Idsal, David Harlow, Kelley Raymond, Matt
Leopold, Adam Gustafson, Peter Tsirigotis, Susan Bodine,
Mike Koerber)
Administrator's Office/ Conference Call

- 5:00 PM – 5:30 PM Phone Call with Dr. Peter Navarro
TBD

Alana Hyman
Office of the Administrator

U.S. Environmental Protection Agency
Hyman.Alana@epa.gov

Message

From: Lynch, Mary-Kay [Lynch.Mary-Kay@epa.gov]
Sent: 4/3/2020 3:57:44 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]; Wright, Peter [wright.peter@epa.gov]
CC: Garvey, Megan [garvey.megan@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Tyler, Tom [Tyler.Tom@epa.gov]; Hall, Tayoka [Hall.Tayoka@epa.gov]; Grable, Melissa [Grable.Melissa@epa.gov]; Hilosky, Nick [Hilosky.Nick@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Brooks, Becky [Brooks.Becky@epa.gov]; Giddings, Daniel [giddings.daniel@epa.gov]; Lynch, Mary-Kay [Lynch.Mary-Kay@epa.gov]
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Attachments: ATT00001.txt; Keynote Discussion Questions.DOCX

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Mary Kay (202) 731-3667

From: Woods, Andrea [Woods.Andrea@epa.gov]
Sent: 4/2/2020 10:54:47 PM
To: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]; Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]
CC: Schiermeyer, Corry [schiermeyer.corry@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Johnson, Taylor [Johnson.Taylor.C@epa.gov]; Walters, Ben [Walters.Ben@epa.gov]
Subject: 4.02.20: Daily Media Report
Attachments: 4.02.20 Daily Media Brief.docx

Sir,

Please see today's media report below and attached:

Daily Media Brief - 4/02/20

Most common and notable inquiry topics

1. Science transparency/comment deadlines

Chemical & Engineering News/Cheryl Hogue

Topic: EtO OIG Report

Status: Responded (approved by OAQPS, R5, Mandy)

Response: **Attributable to an EPA Spokesperson:**

As EPA pursues its mission to protect public health and the environment, addressing ethylene oxide is a major priority for the Agency. In addition to the items listed in the Administrator's statement, the OIG itself notes that additional work is ongoing in several areas.

What the OIG does not acknowledge, however, is the critical importance of providing accurate information when communicating risk. As EPA noted in its response to the draft management alert, the OIG has failed to recognize the necessity of investigating and verifying the screening-level National Air Toxics Assessment (NATA) results. This is troubling because the OIG is recommending that unverified data be used for risk communication purposes.

EPA is continuing to work proactively and transparently with its state air agency partners to support their work in further investigating risks in the areas identified in the National Air Toxics Assessment. The agency is ready to assist states with outreach to communities .

On Background:

NATA is a *screening tool*. It tells EPA and state, local and tribal air agencies where to look more closely closer at potential risks in certain communities – it does not provide final, definitive risk information. EPA noted this in its response to the OIG. Because NATA is a screening tool, additional work often is necessary to investigate and verify risks prior to conducting significant public outreach to community residents for two key reasons:

1. NATA relies on existing emissions inventory information, which is several years old by the time the assessment is released. The version of NATA released in 2018 used National Emissions Inventory from 2014 – the most recent available at the time. While rigorous attempts to verify emissions information are made during NATA's development, additional verification is necessary to determine whether the emissions estimates in the NEI are correct.

2. NATA presents results at the census tract level, which is the smallest geographic area at which EPA is comfortable presenting screening-level estimates. However, census tract-level information may be somewhat uncertain.

For example, near the Evonik facility in Milton, Wisconsin, The Wisconsin Department of Natural Resources (WDNR) is coordinating efforts to respond to potential ethylene oxide risks from Evonik. EPA is supporting WDNR efforts. This facility is regulated under Wisconsin's state air toxics rule (NR445). The state has raised significant questions regarding the NATA screening-level results and is refining the analysis for the facility. Once the more complete assessment of risk from the facility is available, EPA will support, as requested, state-led efforts to communicate risk information to residents in the community.

In addition, the Agency is taking important steps toward reducing ethylene oxide emissions from two key industrial categories: ethylene oxide commercial sterilizers and miscellaneous organic chemical manufacturers. *(see info in Administrator's statement on the rules)*

Climatewire/John Fialka

Topic: Heavy trucks

Status: Responded

Response:

Attributable to an EPA Spokesperson: EPA will provide updated information on the expected timing of all the agency rules, including the Cleaner Truck Initiative, in the forthcoming Spring regulatory agenda. The agency is in the early stages of the advance notice of proposed rulemaking process and reviewing the issues raised by stakeholders.

E&E News/Kelsey Brugger

Topic: Public comment periods

Status: Responded

Response: **EPA Spokesperson:**

EPA is committed to giving the public ample time to participate in the rulemaking process. When finalized, the science transparency rule will ensure that all important studies underlying significant regulatory actions and influential science information at the EPA, regardless of their source, are available for a transparent review by qualified scientists.

The Lancet/Tahla Burki

Topic: Request for interview on Science Transparency

Status: Working with ORD on potential interview.

Chemical Watch/Terry Hyland

Topic: TSCA-Related Questions at February Budget hearing

Status: Developing response. Deadline is next week.

Reuters/Sebastien Malo

Topic: OMEGA modeling

Status: Responded

Response: "We are reviewing the decision." — EPA Spokesperson

Politico/Alex Guillen

Topic: Wyoming and UIC Class VI primacy

Status: Referred to region 8

Law 360/Juan Carlos Rodriguez

Topic: How EPA classifies essential work

Status: Developing response with OECA. DDL is 4/3.

Law 360/Juan Carlos Rodriguez

Topic: Denver ozone lawsuit

Status: Region 8 Handling

Law 360/Morgan Conley

Topic: Sackett lawsuit

Status: Developing Response

Response: "In 2008, EPA issued an administrative compliance order to the Sacketts that directed them to remove fill material from their property and restore the site. EPA has withdrawn that order and made it clear that the EPA does not intend to issue a similar order to the Sacketts in the future for this site. The reasons for withdrawing the administrative compliance order are set forth in the US motion to dismiss. As stated in the motion, EPA believes this case is moot." -**EPA spokesperson**

Andrea Woods

Deputy Press Secretary

U.S. Environmental Protection Agency

Office of Public Affairs

202-564-2010

Daily Media Brief - 4/02/20

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Chemical & Engineering News/Cheryl Hogue

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Status: Responded (approved by OAQPS, R5, Mandy)

Response: **Attributable to an EPA Spokesperson:**

As EPA pursues its mission to protect public health and the environment, addressing ethylene oxide is a major priority for the Agency. In addition to the items listed in the Administrator's statement, the OIG itself notes that additional work is ongoing in several areas.

What the OIG does not acknowledge, however, is the critical importance of providing accurate information when communicating risk. As EPA noted in its response to the draft management alert, the OIG has failed to recognize the necessity of investigating and verifying the screening-level National Air Toxics Assessment (NATA) results. This is troubling because the OIG is recommending that unverified data be used for risk communication purposes.

EPA is continuing to work proactively and transparently with its state air agency partners to support their work in further investigating risks in the areas identified in the National Air Toxics Assessment. The agency is ready to assist states with outreach to communities .

On Background:

NATA is a *screening tool*. It tells EPA and state, local and tribal air agencies where to look more closely closer at potential risks in certain communities – it does not provide final, definitive risk information. EPA noted this in its response to the OIG. Because NATA is a screening tool, additional work often is necessary to investigate and verify risks prior to conducting significant public outreach to community residents for two key reasons:

1. NATA relies on existing emissions inventory information, which is several years old by the time the assessment is released. The version of NATA released in 2018 used National Emissions Inventory from 2014 – the most recent available at the time. While rigorous attempts to verify emissions information are made during NATA's development, additional verification is necessary to determine whether the emissions estimates in the NEI are correct.
2. NATA presents results at the census tract level, which is the smallest geographic area at which EPA is comfortable presenting screening-level estimates. However, census tract-level information may be somewhat uncertain.

For example, near the Evonik facility in Milton, Wisconsin, The Wisconsin Department of Natural Resources (WDNR) is coordinating efforts to respond to potential ethylene oxide risks from Evonik. EPA is supporting WDNR efforts. This facility is regulated under Wisconsin's state air toxics rule (NR445). The state has raised significant questions regarding the NATA screening-level results and is refining the analysis for the facility. Once the more complete

assessment of risk from the facility is available, EPA will support, as requested, state-led efforts to communicate risk information to residents in the community.

In addition, the Agency is taking important steps toward reducing ethylene oxide emissions from two key industrial categories: ethylene oxide commercial sterilizers and miscellaneous organic chemical manufacturers. ([HYPERLINK "<https://www.epa.gov/newsreleases/epa-administrator-wheeler-responds-office-inspector-general-report-ethylene-oxide>"]

Climatewire/John Fialka

Topic: Heavy trucks

Status: Responded

Response:

Attributable to an EPA Spokesperson: EPA will provide updated information on the expected timing of all the agency rules, including the Cleaner Truck Initiative, in the forthcoming Spring regulatory agenda. The agency is in the early stages of the advance notice of proposed rulemaking process and reviewing the issues raised by stakeholders.

E&E News/Kelsey Brugger

Topic: Public comment periods

Status: Responded

Response: **EPA Spokesperson:**

EPA is committed to giving the public ample time to participate in the rulemaking process. When finalized, the science transparency rule will ensure that all important studies underlying significant regulatory actions and influential science information at the EPA, regardless of their source, are available for a transparent review by qualified scientists.

The Lancet/Tahla Burki

Topic: Request for interview on Science Transparency

Status: Working with ORD on potential interview.

Chemical Watch/Terry Hyland

Topic: TSCA-Related Questions at February Budget hearing

Status: Developing response. Deadline is next week.

Reuters/Sebastien Malo

Topic: OMEGA modeling

Status: Responded

Response: "We are reviewing the decision." — EPA Spokesperson

Politico/Alex Guillen

Topic: Wyoming and UIC Class VI primacy

Status: Referred to region 8

Law 360/Juan Carlos Rodriguez

Topic: How EPA classifies essential work

Status: Developing response with OECA. DDL is 4/3.

Law 360/Juan Carlos Rodriguez

Topic: Denver ozone lawsuit

Status: Region 8 Handling

Law 360/Morgan Conley

Topic: Sackett lawsuit

Status: Developing Response

Response: "In 2008, EPA issued an administrative compliance order to the Sacketts that directed them to remove fill material from their property and restore the site. EPA has withdrawn that order and made it clear that the EPA does not intend to issue a similar order to the Sacketts in the future for this site. The reasons for withdrawing the administrative compliance order are set forth in the US motion to dismiss. As stated in the motion, EPA believes this case is moot." -

EPA spokesperson

Message

From: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
Sent: 4/1/2020 11:32:18 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
CC: Voyles, Travis [Voyles.Travis@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Dunlap, David [dunlap.david@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Gunasekara, Mandy [gunasekara.Mandy@epa.gov]
Subject: Re: Letters for Review

Tomorrow is fine

Sent from my iPhone

On Apr 1, 2020, at 7:09 PM, Brazauskas, Joseph <brazauskas.joseph@epa.gov> wrote:

Thank you sir. Should we anticipate discussing that at the AAs meeting tomorrow morning or would you like to speak tonight?

Joseph A. Brazauskas Jr.

Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
(202) 564-5189

From: adm15.arwheeler.email <adm15.arwheeler.email@epa.gov>
Sent: Wednesday, April 1, 2020 6:24 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Voyles, Travis <Voyles.Travis@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Dunlap, David <dunlap.david@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Molina, Michael <molina.michael@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Subject: Re: Letters for Review

I'm fine with the content of both letters. Want to further discuss who the Enforcement letter is addressed to. Also timing of that letter.

Sent from my iPhone

On Apr 1, 2020, at 4:34 PM, Brazauskas, Joseph <brazauskas.joseph@epa.gov> wrote:

Sir,

Attached are two letters for your review. The first is the enforcement letter, currently addressed to the House and Senate leadership. It will be signed by Susan and sent tomorrow morning before 10:00a.m. per OPA. The second is the letter to Chairwoman Johnson on science transparency. It will be signed by you and sent tomorrow afternoon

just before the briefing, which is at 4:00 p.m. and in preparation for a press release after that. Please let us know if you have any questions or comments.

Thank you,
Joe

Joseph A. Brazauskas Jr.

Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
(202) 564-5189

<2020-04-XX EPA-Johnson (Science Transparency)_DRAFT.docx>

<2020-04-01 EPA Temporary Enforcement Compliance Guidance Letter_DRAFT.docx>

Message

From: Scott, Corey [scott.corey@epa.gov]
Sent: 5/28/2020 11:59:11 PM
To: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
CC: Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Hyman, Alana [Hyman.Alana@epa.gov]; Dickerson, Aaron [dickerson.aaron@epa.gov]; Coxen, Carrie [coxen.carrie@epa.gov]
Subject: Materials for 5/29/2020
Attachments: AAW - Daily Schedule - May 29, 2020.docx; ATT00001.htm; 05-29-2020 ACC BRIEFING DOC_OAR_OCSPP.docx; ATT00002.htm; Final Response Letter to Mr William P Gullledge - OAR.pdf; ATT00003.htm; HURRICANE SEASON-ADMINISTRATOR WHEELER.docx; ATT00004.htm; ST-Memo for Econ Briefing with AW-draft.docx; ATT00005.htm; Economic Analysis-Options-052920.docx; ATT00006.htm; Briefing Form OAR Check-in 5.29.20.docx; ATT00007.htm; 2020-05_CTI_Analyses_Timeline 5.28.docx; ATT00008.htm; BCA DRAFT fact sheet v4.docx; ATT00009.htm; Benefit Cost Rule Comms - v2.docx; ATT00010.htm; NRC-EPA Uranium ISR MOU section VII - OGC alternative proposal 5.28.docx; ATT00011.htm; O3-NAAQS-Review-Update-May28_2020.doc; ATT00012.htm; O3-Internal-Timeline-052820.docx; ATT00013.htm; OAR SSM Briefing Form 5.29.docx; ATT00014.htm; OAR SSM Briefing_May 14 2020 final w appendices 5.27.20.docx; ATT00015.htm; Pulp and Paper MM RTR Litigation.Rehearing.Briefing Paper.5.28.20.docx; ATT00016.htm; OGC Briefing Paper for Administrator on SSM SIP Provisions_5.29.20.docx; ATT00017.htm; Green Chemistry Challenge Awards 2020 ADD.docx; ATT00018.htm; 2018 SRE Briefing--v2020-05-28.pdf; ATT00019.htm

Sir,

Here are your materials for tomorrow, 5/29/2020. You have some of these included already but I added all files to this email for Doug and Mandy.

1. Daily Schedule for 5/29/2020
2. Call with American Chemistry Council
3. Briefing: Hurricane Preparedness
4. Briefing: Reoccupying EPA Facilities (in separate incoming email)
5. Briefing: Science Transparency
6. Check-in with OAR
7. Briefing: SSM
8. Green Chemistry Awards via Derrick Bolen
9. Materials for 6/1 RFS SRE Briefing

Thanks!

Corey

Calendar for Administrator Wheeler
Friday, May 29, 2020

- 8:30 AM – 9:00 AM [[HYPERLINK \I "appt166B08A8_0"](#)]
Administrator's Office/ Conference Call: Ex. 6 dial-in: Ex. 6
- 10:00 AM – 10:30 AM [[HYPERLINK \I "appt166B08A8_1"](#)]
Administrator's Office/ Conference Call: Ex. 6 dial-in: Ex. 6
- 10:30 AM – 11:15 AM [[HYPERLINK \I "appt166B08A8_2"](#)]
Administrator's Office/ Conference Call: Ex. 6 dial-in: Ex. 6
- 11:30 AM – 12:00 PM [[HYPERLINK \I "appt166B08A8_3"](#)]
Administrator's Office/ Conference Call: Ex. 6 dial-in: Ex. 6
- 12:00 PM – 2:00 PM [[HYPERLINK \I "appt166B08A8_4"](#)]
- 2:00 PM – 2:30 PM [[HYPERLINK \I "appt166B08A8_5"](#)]
Administrator's Office/ Conference Call: Ex. 6 dial-in: Ex. 6
- 2:30 PM – 3:00 PM [[HYPERLINK \I "appt166B08A8_6"](#)]
Administrator's Office/ Conference Call: Ex. 6 dial-in: Ex. 6
- 3:00 PM – 3:30 PM [[HYPERLINK \I "appt166B08A8_7"](#)]
Administrator's Office/ Conference Call: Ex. 6 dial-in: Ex. 6
- 3:30 PM – 4:15 PM [[HYPERLINK \I "appt166B08A8_8"](#)]
Administrator's Office/ Conference Call: Ex. 6 dial-in: Ex. 6

Attachment A
Strengthening Transparency in Regulatory Science
Economic Analysis Discussion Paper

Background

EO 12866 and Circular A-4 require an economic analysis of economically significant regulatory actions, specifically defined as “any regulatory action that is likely to result in a rule that may have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities” (EO 12866). Although neither EO 12866 nor Circular A-4 specifically articulate that the economic analysis should be focused on the impact of parties outside the regulatory agency, EPA’s practice has been to only evaluate impacts to the economy and, in some instances, to state, local, or tribal governments.

Ex. 5 Deliberative Process (DP)

Considerations

Ex. 5 Deliberative Process (DP)

Options

Ex. 5 Deliberative Process (DP)



**U.S. ENVIRONMENTAL PROTECTION AGENCY
ADMINISTRATOR ANDREW WHEELER**

MEMORANDUM FOR BRIEFING WITH ADMINISTRATOR WHEELER

Date of Meeting: Friday, May 29, 2020

TOPICS FOR DISCUSSION

1. ISSUE/REQUEST: Economic Analysis for the Strengthening Transparency in Regulatory Science Final Rule

- David Dunlap, ORD, and Brittany Bolen, OP, would like early guidance on the need for and scope of an economic analysis for the final Strengthening Transparency in Regulatory Science rule.

BACKGROUND: EPA plans on finalizing the Strengthening Transparency in Regulatory Science rule by the end of 2020. Several commenters have requested that EPA provide an economic analysis for the final rule.

PROPOSED TIMELINE: June 2020

Attachments:

Attachment A: Strengthening Transparency in Regulatory Science – Economic Analysis Discussion Paper

Message

From: Woods, Andrea [Woods.Andrea@epa.gov]
Sent: 4/29/2020 9:46:40 PM
To: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Voyles, Travis [Voyles.Travis@epa.gov]
CC: Schiermeyer, Corry [schiermeyer.corry@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Johnson, Taylor [Johnson.Taylor.C@epa.gov]; Walters, Ben [Walters.Ben@epa.gov]; Murray, William [Murray.William@epa.gov]
Subject: 4.29.20: Daily Media Report
Attachments: 4.29.20 Daily Media Brief.docx

Sir,

Today's media report is attached and below:

Daily Media Brief - 4/29/20

Most common and notable inquiry topics

1. NWPR litigation

Politico/Alex Guillen

Topic: TCEM Rule/Carper Letter

Status: Draft response w/ Administrator for review

Politico/Annie Snider

Topic: EPA's involvement with community-level COVID-19 surveillance through monitoring of wastewater

Status: Developing response with OW. Deadline is 7:00 PM.

Bloomberg Industry Group/Amena Saiyid

Topic: NWPR litigation

Status: Responded

Response: EPA does not comment on specific pending litigation. EPA and the Department of the Army believe that the Navigable Waters Protection Rule will stand the test of time as it is securely grounded in the text of the Clean Water Act and is supported by legislative history and Supreme Court case law. Congress, in the Clean Water Act, explicitly directed the Agencies to protect "navigable waters." The Navigable Waters Protection Rule regulates these waters and the core tributary systems that provide perennial or intermittent flow into them.

Also provided to The Hill (Rebecca Beitsch), Law360 (Juan Carlos Rodriguez), Desert Sun (Mark Olade)

Politico/Eric Wolff

Topic: Sen. Bob Menendez that companies claiming about \$893 million worth of credits under the 45(q) carbon capture tax credit program have not complied with EPA's monitoring program

Status: Developing response with OAR. Reporter extended deadline to any time this evening.

E&E News/Kelsey Brugger

Topic: Letter from union president to Administrator Wheeler, number of confirmed COVID cases at EPA

Status: Responded (approved by OMS and Doug)

Response: The health and safety of our employees is our top priority and that is why we have encouraged all EPA employees to telework. Since the beginning of this pandemic EPA and the rest of the federal government have reacted swiftly and aggressively in order to protect all Americans including members of the federal workforce. In developing EPA's return to the workplace plan, we are carefully considering the guidance in the

President's Opening Up America Again plan and OMB's subsequent guidance, and also engaging EPA's internal scientists. We have been in close contact with our union partners and have had the discussions they call for publicly in their letter.

Background:

Additionally, EPA is taking swift action in the event someone becomes symptomatic, or has potentially been exposed to the coronavirus. To date, the agency has been notified of 29 COVID 19 cases nationwide and one death.

Law360/Michael Phillis

Topic: Summary judgment motion filed by a coalition of environmental groups on temporary enforcement rule

Status: Responded (Approved by OECA& OGC)

Response: EPA does not comment on pending litigation.

S&P Global/Zack Hale

Topic: Science Transparency rule

Status: Responded (approved by ORD)

Response: Provided with press release

The Energy Daily/Karin Rives

Oklahoma coal ash disposal permit

Responded

Bloomberg Industry Group/Adam Allington

Topic: Atrazine monitoring

Status: Developing response with OCSPP. Program office requested an extension on reporter's deadline to tomorrow morning.

Consumer Reports/Jeff Plungis

Topic: FCA diesel emissions

Status: Developing response with OAR. No specific deadline provided.

Inside EPA/Doug Obey

Topic: April 21 filing by the Department of Justice in Truck Trailer Manufacturers Association v. EPA

Status: Referred to DOJ

Inside EPA/Rick Weber

Topic: Timing on TSCA CDR small business definition

Status: Responded (approved by OCSPP)

Response: On Background: "We'll release the final rule soon."

Law 360/Morgan Conley

Topic: Airgas lawsuit

Status: Developing response with OECA

APM Reports/Lauren Rosenthal

Topic: Lead and Copper rule

Status: Developing response with OW. Deadline is 5/1

Builder Magazine/Scott Sowers

Topic: Indoor air quality article

Status: Developing response with OAR. Deadline is 5/6

Andrea Woods

Deputy Press Secretary
U.S. Environmental Protection Agency
Office of Public Affairs
202-564-2010

Daily Media Brief - 4/29/20

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Topic: Summary judgment motion filed by a coalition of environmental groups on temporary enforcement rule

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Inside EPA/Doug Obey

Topic: April 21 filing by the Department of Justice in Truck Trailer Manufacturers Association v. EPA

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Inside EPA/Rick Weber

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Status: Developing response with OECA

APM Reports/Lauren Rosenthal

Topic: Lead and Copper rule

Status: Developing response with OW. Deadline is 5/1

Builder Magazine/Scott Sowers

Topic: Indoor air quality article

Status: Developing response with OAR. Deadline is 5/6

Message

From: Frye, Tony (Robert) [frye.robert@epa.gov]
Sent: 4/23/2020 3:08:18 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Bloom, David [Bloom.David@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Wright, Peter [wright.peter@epa.gov]; Vizian, Donna [Vizian.Donna@epa.gov]; Zeckman, David [zeckman.david@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Orme-Zavaleta, Jennifer [Orme-Zavaleta.Jennifer@epa.gov]; Dunlap, David [dunlap.david@epa.gov]; McIntosh, Chad [mcintosh.chad@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Thiede, Kurt [thiede.kurt@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]
CC: Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Voyles, Travis [Voyles.Travis@epa.gov]; Edwards, John (Holt) [edwards.john@epa.gov]; Cory, Preston [Cory.Preston@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Raymond, Kelley [Raymond.Kelley@epa.gov]; Harlow, David [harlow.david@epa.gov]; Moor, Karl [Moor.Karl@epa.gov]; Hanson, Paige (Catherine) [hanson.catherine@epa.gov]; Dankert, Charles M. (Charlie) [Dankert.Charles@epa.gov]; Fischer, David [Fischer.David@epa.gov]; Bolen, Derrick [bolen.derrick@epa.gov]; Tran, Victoria [tran.victoria@epa.gov]; Willey, Katharine [willey.katharine@epa.gov]; Hoverman, Taylor [hoverman.taylor@epa.gov]; Yarbrough, John (Daniel) [Yarbrough.Daniel@epa.gov]; Tyree, Robin [Tyree.Robin@epa.gov]; Fitzmorris, Amanda [fitzmorris.amanda@epa.gov]; Jones, Lindsey [jones.lindsey@epa.gov]; Zimmer, Nathaniel [zimmer.nathaniel@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Girard, Alexander [girard.alexander@epa.gov]; Kaiser, Sven-Erik [Kaiser.Sven-Erik@epa.gov]; Richardson, RobinH [Richardson.RobinH@epa.gov]; Levine, Carolyn [Levine.Carolyn@epa.gov]; Haman, Patricia [Haman.Patricia@epa.gov]; Williams, Thea [Williams.Thea@epa.gov]; Matthews, Demond [matthews.demond@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]
Subject: SEPW Rescheduled Budget Hearing
Attachments: 2020.04.21 - FACT SHEETS NEEDED UPDATED OR CREATED- Budget Hearing Table of Contents.docx; 2020.03.26 Full Binder.zip

Hello All – The Senate Committee on Environment and Public Works has contacted the Agency requesting to reschedule the budget hearing that was originally scheduled for March 31st. Given that, we have determined that the latest possible date that would meet that requested timeframe and also conform with the current tentative in-Session calendar is May 20th.

As a result, we need to provide updates to the Administrator's binder. Attached, please find an updated table of contents where we flagged by highlighting those briefing papers we believe either need to be updated or created. Anything highlighted in yellow denotes those sheets where we are aware of relevant developments that would merit update to the briefing paper. Anything highlighted in pink represents a new issue that has arisen since the last hearing. Due to the timing of the hearing and the issues present in the press, we believe the scope of the hearing would likely be very narrow. That is why we are requesting only providing updates or creating sheets for the issues identified in this document. If there are additional edits or updates that your office would like to provide, please let me know as soon as possible.

Below, please find the schedule we are operating under to ensure that we are able to provide updates to the Administrator in a timely manner:

TASK	LEAD	DUE	STATUS
Fact Sheet Updates/Formulation	Programs/Regions	4.29 5pm	
OCIR/OCFO Review	OCIR/OCFO	5.1	
OCIR Political Review	OCIR Management	5.5	
Binder Retrieval/Build/Update	OCIR/Senate Team	5.7	

Deliver Binder	TBD	5.7/5.8	
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Lastly, to be clear, this hearing is still subject to change based on developing circumstances related to the Senate's uncertain posture. Though committee staff is adamantly pushing for a hearing in May, again May 20th being the latest date we could propose given that request, it is still subject to approval by the Chairman and Ranking Member of the Committee and Senate Leadership. In the event that the situation or timeline changes, we will keep you apprised.

Please don't hesitate to let us know if you have any questions. Have a great day.

Best,
Tony

Tony Frye
Director of Senate Affairs
Office of Congressional Affairs
Environmental Protection Agency
Cell: 202.603.3225

Budget Hearing Fact Sheets

Office of the Administrator (AO)

PFAS Action Plan	AO-1
PFAS Legislation (NDAA and H.R. 535)	AO-2
Climate Change (General)	AO-3
Office of Children's Health Protection (OCHP)	AO-4
Healthy Schools Program (OCHP)	AO-5
EPA Lean Management System	AO-6
Executive Management and Operations Program	AO-7
Environmental Education	AO-8
EPA Federal Lead Action Plan	AO-9
OEX FOIA Fact Sheet	AO-10
Coronavirus	AO-11

Office of Congressional and Intergovernmental Relations (OCIR)

House & Senate Appropriations Committee Oversight Overview	OCIR-1
HEC Oversight Overview	OCIR-2
SEPW Oversight Overview	OCIR-3
Congressional Oversight – Deliberative Process Privilege	OCIR-4
Congressional Oversight – OIG 7-Day Letter	OCIR-5
Congressional Oversight – Ethics	OCIR-6
Congressional Oversight – Reorganizations	OCIR-7
Congressional Oversight – IRIS/Formaldehyde	OCIR-8
Congressional Oversight – PFAS	OCIR-9
Congressional Oversight – Lead in Drinking Water	OCIR-10
Congressional Oversight – CASAC/NAAQS	OCIR-11
Congressional Oversight – Environmental Appeals Board	OCIR-12
Congressional Oversight – Environmental Justice	OCIR-13
EtO IG	OCIR-14
COVID-19 Congressional Engagement	OCIR-15
Science Transparency Rulemaking	OCIR-16

Office of Chief Financial Officer (OCFO)

General Budget	OCFO-1
Eliminated Programs	OCFO-2
Significant Cuts	OCFO-3
Congressional Priorities – Additions to Budget	OCFO-4
Geographic Programs	OCFO-5
EPA's FY2018-2022 Strategic Plan	OCFO-6
Grants in EPA's Budget	OCFO-7
Healthy Schools	OCFO-8
OIG Travel Audit	OCFO-9
FTE Levels and Workforce Reshaping	OCFO-10
FTE Ceiling	OCFO-11
Payroll Concerns	OCFO-12

Office of Air and Radiation (OAR)

Affordable Clean Energy (ACE)	OAR-1
Mercury Air Toxics Standards (MATS)	OAR-2
SAFE	OAR-3

One National Standard	OAR-4
RFS General Overview/2020 RVOs	OAR-5
RFS Supplemental	OAR-6
RFS: Small Refinery Exemptions <i>(To be updated at a later date)</i>	OAR-7
Ethylene Oxide (EtO)	OAR-8
Methane	OAR-9
Kigali and HFCs	OAR-10
HFCs Legislation	OAR-11
Cleaner Trucks Initiative	OAR-12
CASAC	OAR-13
SIP Backlog - California	OAR-14
Biogenic CO2	OAR-15
Chloroprene	OAR-16
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PROPOSED RULE ON STRENGTHENING TRANSPARENCY IN REGULATORY SCIENCE

BACKGROUND:

- On April 30, 2018, EPA announced a proposed rule to strengthen transparency in regulatory science.
- The public comment period on the proposed rule originally closed on May 30, but after requests from the public and from House and Senate Democrats (including Sens. Carper and Whitehouse), the comment period was extended to August 16, 2018.
 - On July 17, 2018, an EPA public hearing was held in Washington, D.C., providing the public with an opportunity to present oral comments regarding the proposed rule.
- This action seeks to ensure that the pivotal regulatory science underlying EPA's actions is publicly available in a manner sufficient for independent validation.
- The **proposed rule** would apply prospectively to final significant regulatory actions.
- The **proposed rule** would require that all data underlying pivotal studies used to support these significant actions, regardless of who generated or funded them, be made publicly available.
 - The Administrator may grant an exemption if 1) it is not practicable to ensure that all data and models underlying pivotal regulatory science is publicly available, or 2) it is not feasible to conduct peer review on all pivotal regulatory science.
- EPA solicited feedback from the Science Advisory Board (SAB) on personally identifiable information and confidential business information. EPA received these comments on September 30, 2019. EPA will consider these comments as we develop the final rule.
- The SAB also elected to provide feedback on the entire proposed rule. EPA received initial feedback on December 31, 2019. EPA will consider these comments as we develop the final rule.

KEY POINTS:

- During the public comment period last year, EPA received almost 600,000 public comments. More than 9,200 were unique comments, many of which raised multiple complex issues. Commenters provided detailed comments on all aspects of the proposed rule. These include legal, statutory requirements, and complex scientific issues.
- While most commenters generally supported greater transparency, the majority (>75%) oppose some aspect of the proposed approach.
- The remainder support the approach the proposed rule has taken, with some believing it should apply to a broader range of EPA's actions and analyses.
- Reps. Paul Tonko (D-NY-20), Suzanne Bonamici (D-OR-01), and Dan Lipinski (D-IL-03) are very opposed to this proposed rule. All three provided comments during the July 2018 public hearing.

TALKING POINTS:

- The rule on strengthening transparency in regulatory science is designed to protect two interests – access to science and data, while at the same time protecting confidential and personal information. I am committed to ensuring both and, by doing so, intend to strengthen the confidence in the work that EPA produces.
- On November 8, 2019, EPA sent a supplement to the proposed rule to OMB for interagency review. The supplement provides clarifications on certain key terms and aspects of the proposed rule.
- EPA released the supplement to the proposed rule for public comment in March 2020 (see ORD-20 Supplemental Rule Fact Sheet), and EPA intends to finalize the rule later this year.

SUPPLEMENTAL NOTICE: STRENGTHENING TRANSPARENCY IN REGULATORY SCIENCE

BACKGROUND:

- The supplemental notice of proposed rulemaking (SNPRM) was signed on March 3, 2020, and will publish in the Federal Register on March 18, 2020. There will be a 30-day public comment period. The public comment period will close on April 17, 2020.

KEY POINTS:

- The Supplemental Notice of Proposed Rulemaking:
 - Expands the scope of the rulemaking to also apply to influential scientific information (e.g., IRIS assessments, integrated science assessments for criteria air pollutants). This is in addition to its applicability to significant regulatory actions.
 - Proposes that the Agency only use pivotal science and pivotal regulatory science if the data and models are available in a manner sufficient for independent validation.
 - Clarifies that EPA will give consideration to data and models that are publicly available and to data and models available under tiered access to protect confidential business information, personally identifiable information (similar to processes used by the Centers for Disease Control and Prevention), or proprietary information.
 - Also proposes an alternative under which the Agency would, other things being equal, give greater consideration to studies with data and models that are available in a manner sufficient for independent validation.
 - Expands the scope of the rulemaking to include all data and models, not just dose-response data and models.
 - Clarifies the factors that the Administrator would consider in determining whether to grant an exemption to the proposed availability requirements.
 - Proposes to use its housekeeping authority independently as authority for taking this action or in conjunction with the environmental statutory provisions cited as authority in the 2018 proposal.

TALKING POINTS:

- The 2018 proposal and the supplemental proposal that I signed work together to outline a reasonable process for ensuring the most critical work coming from the EPA is based on sound science that can be independently validated while still maintaining protection of confidential and personally identifiable information.
- The supplemental proposal clarifies certain issues raised in the public comments on the 2018 proposed rule.
- Some examples of clarifications in the supplemental proposal include:
 - The supplemental proposal modifies the approach taken in the 2018 proposed rule requiring that all studies be made publicly available in order to be used to support final significant regulatory actions. Science with PII could be used by the Agency if it is made available in a protected manner sufficient for independent validation.
 - The supplemental proposal clarifies the provision for providing an exemption for studies where the data and models cannot be made available for independent validation.

Message

From: Woods, Andrea [Woods.Andrea@epa.gov]
Sent: 4/22/2020 9:46:13 PM
To: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]; Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Scott, Corey [scott.corey@epa.gov]
CC: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Subject: 4.22.20: Earth Day interview clips
Attachments: 4.22.20 Earth Day Clips.docx

Sir,

Clips from your Earth Day interviews are attached and below:

4.22.20: EPA Earth Day Clips

Radio:

Interview with Scot Bertram, Radio Free Hillsdale: <https://soundcloud.com/radiofreehillsdale/epa-administrator-andrew-wheeler-earth-day-2020>

Interview with Dave Lee, WCCO Minneapolis: <https://wccoradio.radio.com/media/audio-channel/andrew-wheeler>

Interview with Sasha-Anne Simons, WAMU: <https://the1a.org/segments/the-policy-and-politics-of-earth-day/>

Interview with Lars Larson: <https://soundcloud.com/thelarslarsonshow/andrew-wheeler-the-coronavirus-shutdown-has-shown-how-resilient-the-earth-is>

Print:

Washington Examiner: Liberal media gives Trump EPA head Andrew Wheeler a bad rap

Liberal journalists routinely describe Environmental Protection Agency Administrator Andrew Wheeler as a “former coal lobbyist” and “climate change denier,” suggesting that he is destroying the EPA from within and in cahoots with big business. But this narrative is essentially wrong and misleading on all counts. I interviewed Wheeler recently to discuss how his agency was marking the 50th anniversary of Earth Day and his tenure more broadly. I encountered a very different man than the one you’d read about in the *New York Times*.

Washington Post: Power Up: On 50th anniversary of Earth Day, EPA head says climate change 'not the only environmental issue that we face as a planet'

EARTH DAY AT A SOCIAL DISTANCE: On this 50th anniversary of Earth Day, Americans are hunkered down at home during a public health crisis that may be exacerbated by poor air quality. It's not quite what young climate activists who have galvanized the global climate movement had in mind. A growing body of [scientific evidence](#) has linked higher levels of air pollution to increased death rates from covid-19, the disease caused by the novel coronavirus. But last week, against the recommendations of Environmental Protection Agency staff scientists, EPA head Andrew Wheeler announced his agency [wouldn't tighten](#) national air quality standards for fine particle air pollution, more commonly known as soot.

Washington Examiner

Liberal media gives Trump EPA head Andrew Wheeler a bad rap

By Brad Polumbo

April 22, 2020

<https://www.washingtonexaminer.com/opinion/epa-administrator-andrew-wheeler-gets-a-bad-rap-from-liberal-media>

Liberal journalists routinely describe Environmental Protection Agency Administrator Andrew Wheeler as a “former coal lobbyist” and “climate change denier,” suggesting that he is destroying the EPA from within and in cahoots with big business.

But this narrative is essentially wrong and misleading on all counts. I interviewed Wheeler recently to discuss how his agency was marking the 50th anniversary of Earth Day and his tenure more broadly. I encountered a very different man than the one you’d read about in the *New York Times*.

“When Earth Day began in 1970, Americans faced a drastically different environment than we do today,” Wheeler said. “I am proud of the work our nation has done, and continues to do, to be a leader in clean air and clean water progress.”

Our conversation led me to ask the administrator about the most common criticisms leveled against him.

He explained that perhaps the most frustrating one is the way liberal media outlets always introduce him as a “former coal lobbyist.” This is an example of something that is technically true but extremely misleading.

Wheeler was, for just over eight years, an energy lobbyist. Among his many clients were nuclear power companies and, yes, coal companies and workers. But the decision made by liberal journalists to only highlight *coal* in their descriptor is undoubtedly an intentional and political one.

So, too, when “former coal lobbyist” is used as the only descriptor to introduce the administrator, this ignores Wheeler’s arguably much more relevant stint at the EPA early in his career and several decades of work in Congress on environmental issues. Lobbying was one job he held for a small part of his long career in environmental policy. (For what it’s worth, Wheeler’s qualifications are rather impressive: He holds not just a bachelor’s degree in science but also a law degree and an MBA).

Something tells me that a similar EPA head appointed by a Democrat, who had once worked as an energy lobbyist with solar as a client, would instead be described by the liberal media as a “career public servant” and “veteran legislative expert.”

We also discussed Wheeler’s alleged “climate change denial,” which is simply not a thing. He does believe man-made climate change is real, he does want to reduce carbon emissions, and he strongly supports nuclear power — the most efficient, emissions-free power source available and one that, bizarrely, many Democrats oppose despite claiming to believe in global warming.

Wheeler did stress that he doesn’t believe climate change is the “existential threat” Rep. Alexandria Ocasio-Cortez makes it out to be when she says we’re all going to die in 12 years — or, at least, if we don’t destroy our economy in the next 10 years.

The administrator also explained that, for him, the most important environmental issue right now is clean water, not climate change. On a global basis, nearly 1 million people still die every year from the lack of access to safe drinking water. (And Flint, Michigan, shows this isn’t just an international issue, but still one here as well).

Wheeler was not denying climate change, of course, but it is not his top priority. If liberal journalists want to argue that Wheeler doesn't take climate change seriously enough, isn't adequately focusing on it, or doesn't support the appropriate climate change policies, this might provide the occasion to do so. It's at least a fair question to debate. But it's simply a lie to label Wheeler a "climate change denier." This is an example of how the charge becomes a bad-faith smear upon anyone who isn't googly eyed at the "Green New Deal."

Examples of this bad-faith coverage of Wheeler and his EPA abound in the policy arena as well.

Take, for example, the administration's "Strengthening Transparency in Regulatory Science." It's a complicated rule, but essentially, it would require that the EPA only use studies in their policymaking for which the data is made publicly available and transparent — not secret. As for the chorus of privacy and methodological concerns raised, Wheeler said researchers can adjust the way they do studies, and data can be anonymized. He also pointed out that the rule allows EPA to make exceptions when necessary.

"Our regulations will be better understood on both sides," Wheeler told me. "I really see it as an open government proposal ... getting data out there for people to look at."

This eminently reasonable suggestion that the federal government does not blindly make rules based on secret data has been met with a shriek from the liberal media, which has implicitly and explicitly deemed it an assault on science. Wheeler complained that critics are misleadingly calling it the "secret science rule" when, if anything, it's really the opposite. The agency is still taking comments and working on the final draft of the rule, but most of the engagement has been made in bad faith.

"When finalized, the science transparency rule will ensure that all important studies underlying significant regulatory actions at the EPA, regardless of their source, are available for a transparent review by qualified scientists," Wheeler said.

And while Wheeler's EPA has indeed played a role in the Trump administration's broader pro-growth deregulatory agenda, the administrator also stressed to me the key pro-environment work they've done.

For instance, he pointed out that, last year, they cleaned up more contaminated Superfund sites than in any year since 2001. He touted the work they've done pairing the GOP tax bill's economic "opportunity zones" with EPA-sponsored Brownfield grants to promote environmental cleanup. (For some *completely unknown* reason, these accomplishments made it into almost none of the news reports I reviewed while preparing for our interview.)

In our interview, Wheeler certainly didn't come across as the anti-government fanatic that the liberal media makes him out to be. While dedicated to promoting efficiency in the EPA and open to downsizing it, the administrator actually cited as his biggest concern the agency's inability to retain employees for more than a few years. (This is due in part, he said, to millennials' flighty job habits.) That's not exactly a telling sign of someone hell-bent on abolishing the EPA from within.

This disconnect between liberal media coverage and reality spreads throughout Wheeler's tenure at EPA. It surely can't be good for democracy to have so many people relying on a deeply distorted portrayal of their government for basic information.

Washington Post

Power Up: On 50th anniversary of Earth Day, EPA head says climate change 'not the only environmental issue that we face as a planet'

By Jackie Alemany

April 22, 2020

<https://www.washingtonpost.com/news/powerpost/paloma/powerup/2020/04/22/powerup-on-50th-anniversary-of-earth-day-epa-head-says-climate-change-not-the-only-environmental-issue-that-we-face-as-a-planet/5e9f297e88e0fa101a7686bd/>

EARTH DAY AT A SOCIAL DISTANCE: On this 50th anniversary of Earth Day, Americans are hunkered down at home during a public health crisis that may be exacerbated by poor air quality. It's not quite what young climate activists who have galvanized the global climate movement had in mind.

A growing body of scientific evidence has linked higher levels of air pollution to increased death rates from covid-19, the disease caused by the novel coronavirus. But last week, against the recommendations of Environmental Protection Agency staff scientists, EPA head Andrew Wheeler announced his agency wouldn't tighten national air quality standards for fine particle air pollution, more commonly known as soot.

In an interview Tuesday, Wheeler told Power Up he is unlikely to reverse the EPA's decision to maintain existing air quality standards for fine particle pollution, despite its emerging links to higher death rates from coronavirus.

He claimed studies, such as the one by Harvard University's T.H. Chan School of Public Health showing a link between PM 2.5 – dangerous air particles so small they can enter the bloodstream – were lagging the facts on the ground.

- **“Quite frankly, it's already too late for our proposal.** We had to go up with a proposal last week. And we will take comment, and [advocates] can submit that as comments,” Wheeler said of the EPA proposed rules setting national soot levels for the next five years. **“I think it's premature to put too much weight on a study that hasn't been finalized or peer reviewed yet.”**
- “We cannot go back and clean the air of the past,” Dr. Francesca Dominici, a Harvard biostatistician who led the Harvard study, told Power Up last week. “But in the future, we can target and make sure that in the counties that have high level pollution, we take environmental measures so that the disease doesn't kill as many people.”

Wheeler's original aims for the EPA's Earth Day celebration met the fate of most of our 2020 Spring plans: thwarted by the coronavirus pandemic. The agency had originally sought to clean up beach and water sites around the country. **Now, Wheeler is encouraging his employees to celebrate at home by “picking up litter” or “working on recycling approved materials.”**

The aforementioned activities conjure a retrograde vision compared to what it means to be an environmentalist in 2020 for some young voters who prioritize climate change as their top issue. Wheeler told us the agency takes “climate change seriously” but praised EPA for returning to its core mission during the Trump presidency of lowering pollution and taking a “pragmatic approach” to climate change.

- **“What we're doing is still fulfilling the mission of the agency,”** Wheeler told us. **“We're taking climate change seriously. But it's not the only environmental issue that we face as a planet.”**

Many scientists and activists argue that climate change is the single most urgent environmental challenge faced by the U.S. — and the world. And EPA's take on the day first celebrated in 1970 is perhaps emblematic of the disconnect between Trump's EPA and the broader climate movement.

- **“This was not an anti-litter campaign,”** Denis Hayes, an organizer of the first Earth Day in 1970, told the New York Times's John Schwartz. “This was talking about fundamental changes in the nature of the American economy.”

- **“...one of the problems that motivated the early Earth Day activists remains unsolved,** said Hayes, now 75. We haven’t quit the fossil fuels scientists say are warming the atmosphere and harming the Earth. Humans use more resources than the planet produces. Society has not changed course,” our colleague Sarah Kaplan reports.

The contrast between the way young voters and the Trump administration view the issue might prove to be problematic come November for a president who has publicly feuded with and mocked climate activist Greta Thunberg.

- **“You know, we’re getting real world results with this pragmatic approach to addressing climate change but we’re also addressing all the other environmental issues that Americans face day in and day out,”** Wheeler told Power Up. “A lot of young people think our air is getting dirtier, and it’s not,” Wheeler added, stating that “all six of our air quality criteria” had decreased.
- **Fact check: the level of pollutants in at least one of those six categories — particulate matter — has worsened:** “Air pollution worsened in the United States in 2017 and 2018, new data shows, a reversal after years of sustained improvement with significant implications for public health,” our colleague Christopher Ingraham reported last year.

Working from home: In our interview, Wheeler asserted the EPA is aggressively acting to provide clean air and water to Americans — particularly to communities of color disproportionately impacted by climate change.

But the pandemic hasn’t stopped the EPA from recently rolling back standards easing industrial regulations and weakening emission limits for the nation’s cars and trucks.

EPA’s own analyses of these rollbacks project more air pollution than what would have been allowed under the Obama-era rule. But Wheeler argued the recently finalized Safer Affordable Fuel-Efficient Vehicles rule is “not projected to increase air pollution.”

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- According to environmentalists who are currently suing the Trump administration, **EPA’s own analysis projects the rule could result in increased carbon emissions in some regions of the country.** And whatever gains the power sector may make on climate were likely to come with or without regulation as coal struggles to compete with cheaper forms of power, like natural gas and renewable sources.

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“they could determine on their own if they can report their operations’ air and water pollution levels during the virus outbreak.”

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Cleanup on aisle five: Wheeler also shouted out to the EPA's career scientists who are working overtime during the pandemic to expand disinfectant products approved for use against the coronavirus. The list now includes over 350 surface disinfectant products that are effective against the coronavirus.

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Andrea Woods
Deputy Press Secretary
U.S. Environmental Protection Agency
Office of Public Affairs
202-564-2010

4.22.20: EPA Earth Day Clips

Radio:

Interview with Scot Bertram, Radio Free Hillsdale: [[HYPERLINK](#)

"https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsoundcloud.com%2Fradiofreehillsdale%2Fepa-administrator-andrew-wheeler-earth-day-2020&data=02%7C01%7CWoods.Andrea%40epa.gov%7Cc3a12f56cc024975bf8008d7e6c023a0%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637231585221886440&sdata=SJBx%2F50pqjKoHyu1iJ%2FbkyMHO1Gs4oldmxf%2Bli7N9PY%3D&reserved=0"]

Interview with Dave Lee, WCCO Minneapolis: [[HYPERLINK](#)

"https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwccoradio.radio.com%2Fmedia%2Faudio-channel%2Fandrew-wheeler&data=02%7C01%7CWoods.Andrea%40epa.gov%7C84924178a75b4dae248908d7e6e722b0%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637231752723862751&sdata=1lafQHIIxnvj5Hmw8xUM15ltl4oWEvL%2BunUvPjuuH8%3D&reserved=0"]

Interview with Sasha-Anne Simons, WAMU: [[HYPERLINK](#)

"https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fthe1a.org%2Fsegments%2Fthe-policy-and-politics-of-earth-day%2F&data=02%7C01%7CWoods.Andrea%40epa.gov%7C5759ad8ddcf144e0b55b08d7e6d24314%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637231663047738684&sdata=D1bMHJOEN8R3qMShdHJmydgxcEGbJpiyTt54KQje2bA%3D&reserved=0"]

Interview with Lars Larson: [[HYPERLINK](#) "https://soundcloud.com/thelarslarsonshow/andrew-wheeler-the-coronavirus-shutdown-has-shown-how-resilient-the-earth-is"]

Print:

[[HYPERLINK](#) "https://www.washingtonexaminer.com/opinion/epa-administrator-andrew-wheeler-gets-a-bad-rap-from-liberal-media"]

Liberal journalists routinely describe Environmental Protection Agency Administrator Andrew Wheeler as a “former coal lobbyist” and “climate change denier,” suggesting that he is destroying the EPA from within and in cahoots with big business. But this narrative is essentially wrong and misleading on all counts. I interviewed Wheeler recently to discuss how his agency was marking the 50th anniversary of Earth Day and his tenure more broadly. I encountered a very different man than the one you’d read about in the *New York Times*.

[[HYPERLINK](#)

"https://www.washingtonpost.com/news/powerpost/paloma/powerup/2020/04/22/powerup-on-50th-anniversary-of-earth-day-epa-head-says-climate-change-not-the-only-environmental-issue-that-we-face-as-a-planet/5e9f297e88e0fa101a7686bd/"]

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has linked higher levels of air pollution to increased death rates from covid-19, the disease caused by the novel coronavirus. But last week, against the recommendations of Environmental Protection Agency staff scientists, EPA head Andrew Wheeler announced his agency [[HYPERLINK "https://www.washingtonpost.com/health/2020/04/14/epa-pollution-coronavirus/"](https://www.washingtonpost.com/health/2020/04/14/epa-pollution-coronavirus/)] national air quality standards for fine particle air pollution, more commonly known as soot.

Washington Examiner

Liberal media gives Trump EPA head Andrew Wheeler a bad rap

By Brad Polumbo

April 22, 2020

[[HYPERLINK "https://www.washingtonexaminer.com/opinion/epa-administrator-andrew-wheeler-gets-a-bad-rap-from-liberal-media"](https://www.washingtonexaminer.com/opinion/epa-administrator-andrew-wheeler-gets-a-bad-rap-from-liberal-media)]

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“When Earth Day began in 1970, Americans faced a drastically different environment than we do today,” Wheeler said. “I am proud of the work our nation has done, and continues to do, to be a leader in clean air and clean water progress.”

Our conversation led me to ask the administrator about the most common criticisms leveled against him.

He explained that perhaps the most frustrating one is the way liberal media outlets always introduce him as a “former coal lobbyist.” This is an example of something that is technically true but extremely misleading.

Wheeler was, for just over eight years, an energy lobbyist. Among his many clients were nuclear power companies and, yes, coal companies and workers. But the decision made by liberal journalists to only highlight *coal* in their descriptor is undoubtedly an intentional and political one.

So, too, when “former coal lobbyist” is used as the only descriptor to introduce the administrator, this ignores Wheeler’s arguably much more relevant stint at the EPA early in his career and several decades of work in Congress on environmental issues. Lobbying was one job he held for a small part of his long career in environmental policy. (For what it’s worth, Wheeler’s qualifications are rather impressive: He holds not just a bachelor’s degree in science but also a law degree and an MBA).

Something tells me that a similar EPA head appointed by a Democrat, who had once worked as an energy lobbyist with solar as a client, would instead be described by the liberal media as a “career public servant” and “veteran legislative expert.”

We also discussed Wheeler's alleged "climate change denial," which is simply not a thing. He does believe man-made climate change is real, he does want to reduce carbon emissions, and he strongly supports nuclear power — the most efficient, emissions-free power source available and one that, bizarrely, many Democrats oppose despite claiming to believe in global warming.

Wheeler did stress that he doesn't believe climate change is the "existential threat" Rep. Alexandria Ocasio-Cortez makes it out to be when she [[HYPERLINK "https://www.realclearpolitics.com/video/2019/01/22/ocasio-cortez_the_world_is_going_to_end_in_12_years_if_we_dont_address_climate_change.html"](https://www.realclearpolitics.com/video/2019/01/22/ocasio-cortez_the_world_is_going_to_end_in_12_years_if_we_dont_address_climate_change.html) \t "_blank"] — or, at least, if we don't destroy our economy in the next 10 years.

The administrator also explained that, for him, the most important environmental issue right now is clean water, not climate change. On a global basis, [[HYPERLINK "https://www.voanews.com/science-health/report-billions-people-lack-safe-water-sanitation"](https://www.voanews.com/science-health/report-billions-people-lack-safe-water-sanitation) \t "_blank"] still die every year from the lack of access to safe drinking water. (And Flint, Michigan, shows this isn't just an international issue, but still one here as well).

Wheeler was not denying climate change, of course, but it is not his top priority. If liberal journalists want to argue that Wheeler doesn't take climate change seriously enough, isn't adequately focusing on it, or doesn't support the appropriate climate change policies, this might provide the occasion to do so. It's at least a fair question to debate. But it's simply a lie to label Wheeler a "climate change denier." This is an example of how the charge becomes a bad-faith smear upon anyone who isn't googly eyed at the "Green New Deal."

Examples of this bad-faith coverage of Wheeler and his EPA abound in the policy arena as well.

Take, for example, the administration's [[HYPERLINK "https://www.epa.gov/newsreleases/epa-announces-extended-comment-period-supplement-science-transparency-proposed-rule"](https://www.epa.gov/newsreleases/epa-announces-extended-comment-period-supplement-science-transparency-proposed-rule) \t "_blank"].” It's a complicated rule, but essentially, it would require that the EPA only use studies in their policymaking for which the data is made publicly available and transparent — not secret. As for the chorus of privacy and methodological concerns raised, Wheeler said researchers can adjust the way they do studies, and data can be anonymized. He also pointed out that the rule allows EPA to make exceptions when necessary.

“Our regulations will be better understood on both sides,” Wheeler told me. “I really see it as an open government proposal ... getting data out there for people to look at.”

This eminently reasonable suggestion that the federal government does not blindly make rules based on secret data has been met with a shriek from the liberal media, which has implicitly and explicitly deemed it an assault on science. Wheeler complained that critics are misleadingly calling it the “secret science rule” when, if anything, it's really the opposite. The agency is still taking comments and working on the final draft of the rule, but most of the engagement has been made in bad faith.

"When finalized, the science transparency rule will ensure that all important studies underlying significant regulatory actions at the EPA, regardless of their source, are available for a transparent review by qualified scientists," Wheeler said.

And while Wheeler's EPA has indeed played a role in the Trump administration's broader pro-growth deregulatory agenda, the administrator also stressed to me the key pro-environment work they've done.

For instance, he pointed out that, last year, they cleaned up more contaminated Superfund sites [[HYPERLINK "https://www.epa.gov/newsreleases/epa-50-epa-reflects-50-years-earth-day" \t "_blank"](https://www.epa.gov/newsreleases/epa-50-epa-reflects-50-years-earth-day)]. He touted the work they've done [[HYPERLINK "https://www.epa.gov/brownfields/supporting-brownfields-redevelopment-using-tax-incentives-and-credits" \t "_blank"](https://www.epa.gov/brownfields/supporting-brownfields-redevelopment-using-tax-incentives-and-credits)] the GOP tax bill's economic "opportunity zones" with EPA-sponsored [[HYPERLINK "https://www.epa.gov/brownfields" \t "_blank"](https://www.epa.gov/brownfields)] to promote environmental cleanup. (For some *completely unknown* reason, these accomplishments made it into almost none of the news reports I reviewed while preparing for our interview.)

In our interview, Wheeler certainly didn't come across as the anti-government fanatic that the liberal media makes him out to be. While dedicated to promoting efficiency in the EPA and open to downsizing it, the administrator actually cited as his biggest concern the agency's inability to retain employees for more than a few years. (This is due in part, he said, to millennials' flighty job habits.) That's not exactly a telling sign of someone hell-bent on abolishing the EPA from within.

This disconnect between liberal media coverage and reality spreads throughout Wheeler's tenure at EPA. It surely can't be good for democracy to have so many people relying on a deeply distorted portrayal of their government for basic information.

Washington Post

Power Up: On 50th anniversary of Earth Day, EPA head says climate change 'not the only environmental issue that we face as a planet'

By Jackie Alemany

April 22, 2020

[[HYPERLINK](#)

"<https://www.washingtonpost.com/news/powerpost/paloma/powerup/2020/04/22/powerup-on-50th-anniversary-of-earth-day-epa-head-says-climate-change-not-the-only-environmental-issue-that-we-face-as-a-planet/5e9f297e88e0fa101a7686bd/>"]

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In an interview Tuesday, Wheeler told Power Up he is unlikely to reverse the EPA's decision to maintain existing air quality standards for fine particle pollution, despite its emerging links to higher death rates from coronavirus.

He claimed studies, such as [[HYPERLINK](#) "<https://projects.iq.harvard.edu/covid-pm>"] by Harvard University's T.H. Chan School of Public Health showing a link between PM 2.5 – dangerous air particles so small they can enter the bloodstream – were lagging the facts on the ground.

- **“Quite frankly, it's already too late for our proposal.** We had to go up with a proposal last week. And we will take comment, and [advocates] can submit that as comments,” Wheeler said of the EPA proposed rules setting national soot levels for the next five years. **“I think it's premature to put too much weight on a study that hasn't been finalized or peer reviewed yet.”**
- “We cannot go back and clean the air of the past,” Dr. Francesca Dominici, a Harvard biostatistician who led the Harvard study, [[HYPERLINK](#) "<https://www.washingtonpost.com/news/powerpost/paloma/powerup/2020/04/09/powerup-trump-should-focus-on-air-pollution-in-coronavirus-response-researchers-say/5e8e283d88e0fa101a75e456/>"] last week. “But in the future, we can target and make sure that in the counties that have high level pollution, we take environmental measures so that the disease doesn't kill as many people.”

Wheeler's original aims for the EPA's Earth Day celebration met the fate of most of our 2020 Spring plans: thwarted by the coronavirus pandemic. The agency had originally sought to clean up beach and water sites around the country. **Now, Wheeler is encouraging his employees to celebrate at home by “picking up litter” or “working on recycling approved materials.”**

The aforementioned activities conjure a retrograde vision compared to what it means to be an environmentalist in 2020 for some young voters who prioritize climate change as their top issue. Wheeler told us the agency takes “climate change seriously” but praised EPA for returning to its core mission during the Trump presidency of lowering pollution and taking a “pragmatic approach” to climate change.

- **“What we’re doing is still fulfilling the mission of the agency,”** Wheeler told us. **“We’re taking climate change seriously. But it’s not the only environmental issue that we face as a planet.”**

Many scientists and activists argue that climate change is the single most urgent environmental challenge faced by the U.S. — and the world. And EPA's take on the day first celebrated in 1970 is perhaps emblematic of the disconnect between Trump's EPA and the broader climate movement.

- **“This was not an anti-litter campaign,”** Denis Hayes, an organizer of the first Earth Day in 1970, told the [[HYPERLINK "https://www.nytimes.com/2020/04/20/climate/denis-hayes-earth-day-organizer.html?smtyp=cur&smid=tw-nytimes"](https://www.nytimes.com/2020/04/20/climate/denis-hayes-earth-day-organizer.html?smtyp=cur&smid=tw-nytimes)]. **“This was talking about fundamental changes in the nature of the American economy.”**
- **“...one of the problems that motivated the early Earth Day activists remains unsolved,** said Hayes, now 75. We haven’t quit the fossil fuels scientists say are warming[[HYPERLINK "https://www.washingtonpost.com/graphics/2019/national/climate-environment/climate-change-america/?tid=lk_inline_manual_7&itid=lk_inline_manual_7"](https://www.washingtonpost.com/graphics/2019/national/climate-environment/climate-change-america/?tid=lk_inline_manual_7&itid=lk_inline_manual_7)]and [[HYPERLINK "https://www.washingtonpost.com/climate-environment/even-fake-snow-failed-in-a-record-warm-winter-linked-to-the-polar-vortex-and-climate-change/2020/03/05/da6a5b58-5d95-11ea-9055-5fa12981bbbf_story.html?tid=lk_inline_manual_7&itid=lk_inline_manual_7"](https://www.washingtonpost.com/climate-environment/even-fake-snow-failed-in-a-record-warm-winter-linked-to-the-polar-vortex-and-climate-change/2020/03/05/da6a5b58-5d95-11ea-9055-5fa12981bbbf_story.html?tid=lk_inline_manual_7&itid=lk_inline_manual_7)]. Humans use more resources than the planet produces. Society has not changed course,” our [[HYPERLINK "https://www.washingtonpost.com/climate-environment/2020/04/21/earth-day-50th-anniversary/"](https://www.washingtonpost.com/climate-environment/2020/04/21/earth-day-50th-anniversary/)]

The contrast between the way young voters and the Trump administration view the issue might prove to be problematic come November for a president who has publicly feuded with and mocked climate activist Greta Thunberg.

- **“You know, we’re getting real world results with this pragmatic approach to addressing climate change but we’re also addressing all the other environmental issues that Americans face day in and day out,”** Wheeler told Power Up. “A lot of young people think our air is getting dirtier, and it’s not,” Wheeler added, stating that “all six of our air quality criteria” had decreased.

- **Fact check: the level of pollutants in at least one of those six categories — particulate matter — has worsened:** “Air pollution worsened in the United States in 2017 and 2018, new data shows, a reversal after years of sustained improvement with significant implications for public health,” our colleague Christopher Ingraham [[HYPERLINK "https://www.washingtonpost.com/business/2019/10/23/air-pollution-is-getting-worse-data-show-more-people-are-dying/"](https://www.washingtonpost.com/business/2019/10/23/air-pollution-is-getting-worse-data-show-more-people-are-dying/)]

Working from home: In our interview, Wheeler asserted the EPA is aggressively acting to provide clean air and water to Americans — particularly to communities of color disproportionately impacted by climate change.

But the pandemic hasn't stopped the EPA from [[HYPERLINK "https://www.washingtonpost.com/health/2020/03/30/trump-mileage-standards-environment/"](https://www.washingtonpost.com/health/2020/03/30/trump-mileage-standards-environment/)] **standards easing industrial regulations and weakening emission limits for the nation's cars and trucks.**

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Message

From: Mutter, Andrew [mutter.andrew@epa.gov]
Sent: 4/1/2020 10:30:21 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
Subject: FW: Daily Press Clips 04/01/20

From: Sullivan, Melissa
Sent: Wednesday, April 1, 2020 4:30:17 PM (UTC-07:00) Mountain Time (US & Canada)
To: AO OPA OMR CLIPS
Subject: Daily Press Clips 04/01/20

Daily Press Clips
April 1, 2020

Agency

[EPA Gave Congress Inaccurate Grants Data, Internal Watchdog Says](#)
[Group Asks EPA to Address Opening for 'Abuse' in Pandemic Plan](#)
[Wheeler to IG: Take back report critical of agency](#)
[With stakes high, Wheeler seeks new science advisers](#)

Air

[EPA Should Warn More Residents About Ethylene Oxide Risk: IG](#)
[EPA is failing to inform residents of ethylene oxide risks, IG warns](#)
[Judge Lifts Limited Use of Ethylene Oxide at Georgia Plant](#)
[EPA Loses Appeal to Keep Emissions Modeling Equations In-House](#)
[Researchers Weigh Health Effects Of Sudden COVID-19 Emissions Cuts](#)
[Trump Admin. Weakens Obama-Era Vehicle Emissions Rules](#)
[EPA, Industry Urge Court To Deny Stay In RMP Rollback Rule Case](#)

Disinfectants

[EPA Cracking Down on Misbranded Coronavirus Treatment Products](#)
[EPA Cuts Approval Mandate for Virus-Fighting Disinfectant Makers](#)

Enforcement

[House Democrats blast EPA as agency suspends monitoring amid coronavirus](#)
[Despite EPA decision, Virginia says polluters must 'make every effort' to comply with environmental regulations](#)
[Coalition petitions EPA for disclosure as agency OKs suspension of environmental monitoring](#)
[EPA Enforcement Dropping Sharply, Agency Watchdog Says](#)
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Agency

Bloomberg Environment

"EPA Gave Congress Inaccurate Grants Data, Internal Watchdog Says"

Stephen Lee

<https://news.bloombergenvironment.com/environment-and-energy/epa-gave-congress-inaccurate-grants-data-internal-watchdog-says>

The EPA gave inaccurate information to Congress about its grant awards, potentially influencing lawmakers' spending and policy decisions, the agency's internal watchdog said Tuesday.

As of September 2019, the Environmental Protection Agency had \$8.3 million in unspent balances for grants that expired one year or more earlier, the agency's Office of Inspector General revealed in a report.

"The real problem is that the money is sitting out there, and it's on expired grants," said Madeline Mullen, the report's project manager, in an interview.

"At the EPA, there are a number of programs with environmental and public health goals," she continued. "If the money is freed up from these old grants, then it can be used for those programs."

The \$8.3 million figure varies by year, Mullen said, and that the EPA has recently been making progress in reducing it. She couldn't provide an overall grant figure. The EPA says on its website that it awards more than \$4 billion annually "for grants and other assistance agreements."

The inaccuracies happened because the agency's Office of Grants and Debarment didn't follow all of the White House Office of Management and Budget's reporting rules, the OIG said. But Mullen said her team didn't find any evidence that EPA "had deliberately misled anyone."

In 2017, the EPA said it had 56 expired grants in one report and 58 in another. The correct number was 64, OIG said. The next year, the EPA reported again on those findings, this time claiming 24 expired grants in one report and 58 in another. It actually had 32, according to OIG.

The EPA said it would correct its data and develop a standard operating procedure for ensuring the accuracy of its numbers, both by Dec. 31.

Grant Closeouts

The EPA also fell short on the timeliness of its grant closeouts, OIG found. A grant is closed out when the EPA determines that all required work and administrative actions are finished. The agency also assesses whether the grantee met the expected outcomes, and any surplus funds are returned to the EPA.

Some of the agency's regions delayed grant closeouts for several years because they didn't have a means for escalating tough cases to the Office of Grants and Debarment, according to the report.

Late closeouts "diminish the EPA's ability to achieve efficiencies within its grant program, as they require staff's time and effort that could be used to manage active grant awards," the inspector general wrote.

EPA regional staff told OIG that most of the delays were due to workload and staffing issues, according to the report. The agency told investigators it would start enforcing a policy to require closeout strategies from underperforming regions. In response, the watchdog said it didn't agree that "a reminder of guidance that is not being followed will be sufficient."

But the EPA disagreed with a recommendation to develop and implement a policy for escalating problematic cases, saying "elevation mechanisms such as biweekly meetings are already in place." The OIG responded that it didn't consider that resolution adequate.

Members of Congress have recently taken more interest in tracking grants throughout the federal bureaucracy, according to Mullen.

"Congress was noticing that there was a lot of money sitting out there across the government," Mullen said.

Bloomberg Environment

"Group Asks EPA to Address Opening for 'Abuse' in Pandemic Plan"

Amena Saiyid & Stephen Lee

<https://news.bloombergenvironment.com/environment-and-energy/group-asks-epa-to-address-opening-for-abuse-in-pandemic-plan>

Nearly two dozen environmental and advocacy groups are urging the EPA to issue an emergency rule within seven days that would require public notice of any relaxed air and water quality monitoring and reporting due to the coronavirus pandemic.

"The Environmental Protection Agency's non-enforcement policy announced on March 26 creates an immediate and serious risk to people and communities affected by pollution," the groups said in their petition Wednesday. "That risk is heightened by EPA's broad invitation to regulated industries to suspend monitoring and reporting without public disclosure and without adequate justification or oversight."

But the EPA said its enforcement guidance was designed to respond to the many questions it was receiving from state regulators and the regulated community about how to handle "the current extraordinary situation" due to the pandemic, in which contractors can't travel and employees are forced to stay at home.

"The claims made by the petitioners are false and it is apparent they didn't even read our guidance," the EPA said on Wednesday in response to the petition, which it said it would review. It added that the agency's guidance "is not a nationwide waiver of environmental rules."

"We will continue to work with federal, state and tribal partners to ensure that facilities are meeting regulatory requirements, while taking appropriate steps to protect the health of our staff and the public," EPA said.

'Clear Opportunity for Abuse'

Led by the Natural Resources Defense Council, the groups asked EPA to issue a rule requiring companies that take advantage of the policy to publicly disclose—in writing—when they stop monitoring or reporting their air and water pollution emissions, along with a detailed justification for doing so.

The petition also urges the EPA to notify the public by publishing that information within one day of notice from the companies.

"We fully appreciate the disruption and harm caused by the COVID-19 pandemic," the groups wrote in their petition.

"But EPA's unprecedented non-enforcement policy creates a clear opportunity for abuse."

The EPA's guidance recognizes that some entities can't perform certain monitoring, testing, sampling, and reporting duties, and lets the EPA "prioritize its resources to respond to acute risks and imminent threats, rather than making up front case-by-case determinations regarding routine monitoring and reporting," the agency said. It said companies must document how their inability to do things is caused by the pandemic.

"The policy does not say that the COVID-19 pandemic will excuse exceedances of pollutant limitations in permits, regulations, and statutes," the EPA said on Wednesday.

The NRDC-led petition, also signed by the nonprofit consumer advocacy group Public Citizen and a series of national and regional environmental groups, comes a day after eight House Democrats told EPA its policy is both “unprecedented and dangerous.”

Senators Question EPA

Separately, a group of 11 Democratic senators asked EPA Administrator Andrew Wheeler on Wednesday for more information about whether EPA’s “essential functions and response role remain intact” during the pandemic. They asked the EPA to publish on its website any enforcement waivers it issues and extend all rulemaking comment periods.

They also want to know whether the EPA’s continuity of operations plan is sufficient to address the coronavirus response. The lawmakers noted that the plan, which lays out procedures for staff to keep functioning during emergencies, isn’t publicly available.

An EPA spokeswoman said Wheeler is “actively working to ensure EPA is doing its part to combat the spread of Covid-19, and to further the mission of EPA to protect human health and the environment.”

The agency has also taken “significant steps to ensure protection of our own employees as we work to fulfill this important mission,” the spokeswoman said.

The letter was written by Sen. Tom Carper (D-Del.), the top Democrat on the Environment and Public Works Committee. Other signatories included Sens. Patrick Leahy (D-Vt.), ranking member on the Senate Appropriations Committee; Tom Udall (D-N.M.); Sheldon Whitehouse (D-R.I.); and Cory Booker (D-N.J.).

E&E News

“Wheeler to IG: Take back report critical of agency”

Sean Reilly

<https://www.eenews.net/greenwire/2020/04/01/stories/1062760525>

In a highly unusual move, EPA Administrator Andrew Wheeler is calling on the agency’s inspector general to scrap a new report that faults a lack of outreach to communities potentially exposed to a cancer-causing chemical.

“The tone and substance of this report indicates a disconnect,” Wheeler said in a news release yesterday evening. “Most surprising,” he added, is that the IG’s office provided no indication in a final meeting on the report “that there would be any unresolved issues” with EPA’s response.

Wheeler said, “As a result, we are formally requesting the EPA I.G. rescind the report so it can be appropriately updated.”

A spokeswoman for Inspector General Sean O’Donnell, who won Senate confirmation for the job in January, had no immediate comment today.

But Wheeler’s salvo is a sign of continued tension with the IG’s office, which clashed last year with then-EPA Chief of Staff Ryan Jackson for refusing to cooperate in two inquiries.

Jackson, who left the agency in February for a job with the National Mining Association, eventually sat for an interview in one of those probes.

Governmentwide, strains between federal officials and the inspectors general who serve as in-house watchdogs are not unusual. But Danielle Brian, executive director of the Project on Government Oversight, an advocacy group, said in an email today that she could not recall a comparable clash.

“This is a great example of why it’s important to have strong I.G.s who have the power to tell bad news the agency head doesn’t want out,” Brian said.

‘Acceptable corrective action’

The new report, a “management alert” released yesterday, found that EPA and state regulators failed to reach out to people in the bulk of 25 communities around the country considered particularly vulnerable to exposure to ethylene oxide, a carcinogenic gas used in medical sterilization plants (*E&E News PM*, March 31).

Calling the matter urgent, the inspector general recommended immediate action to let those residents know of the potential health risks.

In a Jan. 31 response to a draft version of the report, Doug Benevento, EPA’s associate deputy administrator, acknowledged the disparity but said the IG’s findings should be revised to reflect the need for “more refined investigation of risks” before holding public meetings or taking other steps to let residents know about the potential threat. Benevento also urged O’Donnell’s office to note the role other federal agencies play in outreach.

In the final report, however, the IG cited the lack of a schedule for conducting the added risk analysis in deeming Benevento's response inadequate and called the matter "unresolved pending receipt of an acceptable corrective action plan with milestones from EPA."

EPA's lack of outreach to some communities, mostly in the South and West, contrasts sharply with the attention agency air officials have paid to Chicago-area suburbs.

After EPA upgraded its assessment of the dangers posed by ethylene oxide, the presence of a sterilization facility in the area unleashed a public furor and drew the attention of Illinois members of Congress.

Work calendars for then-EPA air chief Bill Wehrum and other officials obtained under the Freedom of Information Act show repeated meetings over the Chicago situation last year.

Wheeler, who has headed the agency since July 2018, has made a priority of risk communication. The disparity acknowledged by Benevento raises questions about how evenhandedly that policy is being applied.

In yesterday's release, Wheeler pointed to the agency's work to update ethylene oxide emissions standards and said an adviser was recently installed at EPA headquarters "to consult on all risk communication" involving the chemical. An EPA spokeswoman could not immediately say today how Wheeler believes the IG report should be updated

E&E News

"With stakes high, Wheeler seeks new science advisers"

Sean Reilly

<https://www.eenews.net/greenwire/2020/04/01/stories/1062760061>

EPA is seeking new candidates for its Science Advisory Board, a step that could lead to substantial turnover on a panel that has at times been a forceful critic of the Trump administration's deregulatory agenda.

In a *Federal Register* [notice](#) today, the agency set a May 1 deadline for nominations of "scientific experts" in a variety of disciplines to the panel, which furnishes outside advice on scientific and technical issues.

Following a public comment period on qualified applicants, EPA Administrator Andrew Wheeler is expected to make the appointments, which carry a three-year term, by the beginning of October.

The board has 44 members; of those, 20 are serving terms that expire at the end of September, according to the agency. Almost all of those, including Chairman Michael Honeycutt, were appointed in 2017 by then-EPA chief Scott Pruitt. Prior to the Trump administration, first-term incumbents were almost automatically named to a second term. Pruitt broke with that tradition in declining to reappoint a number of SAB members who had joined during the Obama administration. While Pruitt touted that move as part of an effort to promote fresh perspectives, it also opened up vacancies that he filled in some cases with members tied to industries regulated by EPA.

Last fall, however, Wheeler reappointed seven Obama-era members to second terms as part of a broader deal with Sen. Tom Carper (D-Del.) ([Greenwire](#), Oct. 16, 2019).

At this point, it is unclear how many current first-term incumbents will ask for another term. In an interview earlier this week, for example, Honeycutt indicated that he was still undecided. Besides reshuffling the SAB's existing lineup, Wheeler could also opt to expand the board beyond its current size.

Throughout most of its four-decade history, the SAB has been an influential but publicly little-known panel composed mainly of academic researchers. Despite the recent membership tilt, the board has delivered harsh critiques of EPA's rollback of Obama-era vehicle fuel efficiency standards and other administration priorities, drawing significant attention along the way ([Greenwire](#), Jan. 2).

Its relationship with Wheeler has at times been tense. Earlier this year, he imposed a policy that strips most board members of their role in deciding which proposed regulations warrant review. As E&E News reported yesterday, the new policy contains concessions apparently aimed at placating objections raised by some members, and an EPA staff liaison assured them this week that Wheeler values their input ([Greenwire](#), March 31).

EPA is also seeking candidates for four SAB auxiliary committees that provide added know-how in the areas of agricultural science, chemical assessment, drinking water safety and radiation, according to the *Federal Register* notice. Members of those committees also serve for three years.

Air

[EPA Should Warn More Residents About Ethylene Oxide Risk: IG](#)

[EPA is failing to inform residents of ethylene oxide risks, IG warns](#)

[Judge Lifts Limited Use of Ethylene Oxide at Georgia Plant](#)

[EPA Loses Appeal to Keep Emissions Modeling Equations In-House](#)

Researchers Weigh Health Effects Of Sudden COVID-19 Emissions Cuts

Trump Admin. Weakens Obama-Era Vehicle Emissions Rules

EPA, Industry Urge Court To Deny Stay In RMP Rollback Rule Case

Air

Bloomberg Environment

“EPA Should Warn More Residents About Ethylene Oxide Risk: IG”

Amena Saiyid

<https://news.bloombergenvironment.com/environment-and-energy/epa-should-warn-residents-about-ethylene-oxide-cancer-risks-ig>

The EPA has failed to warn residents who live near most plants that emit significant amounts of the carcinogenic gas ethylene oxide about the potential dangers to their health, the agency’s inspector general concluded Tuesday.

In fact, the Environmental Protection Agency has met with officials and residents around only nine of the 25 biggest emitters since 2018, when it publicly recognized the need to do so in its update of the National Air Toxics Assessment, the inspector general said.

Ethylene oxide is a flammable, colorless gas with a faintly sweet odor that’s used to sterilize medical equipment. It’s also used as a building block for other chemicals to make a range of products, including antifreeze, textiles, plastics, detergents, and adhesives.

“While the EPA or state personnel, or both, have met with residents living near nine of the 25 high-priority facilities, communities near 16 facilities have yet to be afforded public meetings or other direct outreach to learn about the health risks and actions being taken to address those risks,” the report said.

Eleven of the 25 facilities sterilize medical equipment, and 14 are chemical plants.

The agency said airborne releases of ethylene oxide emissions pose an elevated lifetime cancer risk of at least 100 in one million, a risk level that the EPA generally considers not sufficiently protective of health.

EPA Administrator Andrew Wheeler responded to the report in a news release, saying agency staff has already met with affected communities and proposed a rule (RIN: 2060-AT85) to limit ethylene oxide emissions from chemical plants. The agency also has appointed a risk communication manager on all issues pertaining to the chemical’s releases.

Wheeler said the EPA is seeking information from several commercial sterilization companies on facility characteristics, control devices, work practices and costs for emission reductions. It’s also asking the public through a formal notice (RIN: 2060-AU37) for comment on limiting this chemical from commercial medical sterilizers.

“The tone and substance of this report indicates a disconnect in the US EPA IG’s office,” he said.

The Inspector General’s office “gave no indication that there would be any unresolved issues” during its last meeting with the agency, Wheeler noted in the statement.

“As a result, we are formally requesting the EPA IG rescind the report so it can be appropriately updated,” he said.

Medical Equipment to Deal with Coronavirus

The timing of Tuesday’s announcement coincided with a renewed push for more products during the coronavirus pandemic from plants that use ethylene oxide to sterilize medical equipment.

Both Illinois and Georgia have allowed facilities that had been shut down over concerns about the release of ethylene oxide into communities to resume operations, at least temporarily.

Bloomberg Environment’s analysis of the EPA’s air toxic emissions data shows that the top 10 ethylene oxide emitters in the nation were actually chemical plants in Louisiana and Texas. Among the top 25 emitters are medical sterilizer plants that use this toxic chemical to sterilize medical equipment in Illinois, New Mexico, and Georgia.

The inspector general said EPA has yet to meet with residents near 16 high-volume ethylene oxide release facilities in Houston, Port Neches, Laredo, and Longview, Texas; St. Gabriel, Taft, Westlake, and Reserve, Louisiana; Santa Teresa, New Mexico; South Charleston, and Institute, West Virginia; Milton, Wisconsin; New Castle, Delaware; Allentown, Pennsylvania; and Anasco, Puerto Rico.

EPA has met residents living near nine facilities in Smyrna and Covington, Georgia; Lakewood, Colorado; Verona and Jackson, Missouri; Willowbrook and Lake County, Illinois; Charleston, South Carolina; and Grand Rapids, Michigan, the report said.

‘Of Critical Importance’

In 2016, EPA said ethylene oxide is 30 times more carcinogenic than previously understood.

Based on the updated cancer risk value for ethylene oxide, the latest National Air Toxics Assessment, based on 2014 emissions data, identified ethylene oxide as a new and significant driver of cancer risk. That prompted the agency to start looking at the top 25 highest emitting facilities.

The inspector general recommended Tuesday that the EPA immediately convene a forum for an interactive exchange of information with EPA or state personnel regarding health concerns related to exposure to ethylene oxide.

The agency, however, told the inspector general that it would complete additional investigations of risks in these high areas before holding a forum to communicate these findings.

"It is of critical importance that residents are fully informed of ethylene oxide hazards wherever they exist," Janet Rau, founder of the Georgia chapter of Stop Sterigenics, a citizen-led group that raised alerts about the dangers of ethylene oxide and helped push for a shutdown of facilities, said in a Tuesday email.

The group has opposed the reopening of the medical sterilizer plant by Sterigenics U.S LLC in suburban Atlanta.

(Updated with details from EPA Administrator Andrew Wheeler's statement)

Politico

"EPA is failing to inform residents of ethylene oxide risks, IG warns"

Annie Snider

<https://subscriber.politicopro.com/article/2020/03/epa-is-failing-to-inform-residents-of-ethylene-oxide-risks-ig-warns-1908419>

The EPA has failed to warn people of the risks they face living near medical sterilization facilities and chemical plants that emit dangerous levels of a carcinogenic gas, the agency's inspector general said in an urgent warning issued Tuesday.

The Management Alert found that there are 25 operations in the U.S. emitting levels of ethylene oxide, a gas linked with lymphoid and breast cancers, at levels that produce an unacceptable risk of cancer. But, at 16 of those sites, neither state nor federal officials have met with the community to alert residents to the dangers.

EPA Inspector General Sean O'Donnellsaid in a letter to Associate Deputy Administrator Doug Benevento that he decided to issue the alert before concluding his office's audit of its air toxics program "because of the disparity in the extent and nature of communication between the EPA and impacted communities where the EPA has identified significant health risks to the public from ethylene oxide emissions."

The report recommends that EPA provide public meetings or other means of information exchange to residents near all 25 high-priority sites. EPA disagreed, arguing that the agency should complete more refined investigations into the risk at individual sites before conducting public outreach.

"EPA will continue to work with affected state and local air agencies to look more closely at emissions from facilities," Benevento said in a response to the IG's office. But, he cautioned, "we also wish to emphasize the complex, interrelated environmental and public health concerns around the use of ethylene oxide and hope your office understands both these concerns and that there is much more to learn about this chemical."

The IG's office requested a meeting with Benevento within 30 days. If the disagreement still doesn't get resolved, the administrator's office would have to begin the dispute resolution process.

Of the 25 high-priority facilities, 11 are commercial sterilizers and 14 are chemical plants. The majority of the facilities where public outreach has not been conducted are in Texas and Louisiana, and are primarily chemicals facilities.

Several states, including Illinois and Georgia, have cracked down on commercial sterilizing plants over concerns about ethylene oxide emissions. But the FDA has raised concerns that such moves could affect the availability of medical devices that are approved to be sterilized only using the chemical, particularly during the Covid-19 pandemic. Last week, Georgia agreed to temporarily increase production at sterilizing plants there.

The IG warning is based on a 2014 finding by EPA staff scientists with the Integrated Risk Information System that ethylene oxide is dangerous at far lower levels of exposure than previously thought. But industry has challenged EPA's 2014 report, and Texas has recently issued a risk value that is three orders of magnitude higher than EPA's to regulate facilities in the state.

The Trump administration has signaled some receptiveness to the chemical and medical device industries' concerns on this point: In December, EPA proposed a regulation governing emissions of ethylene oxide from miscellaneous organic chemicals plants and requested comment on whether it should base the regulation on a different risk value than the 2014 value from the agency's own scientists.

Bloomberg Environment

"Judge Lifts Limited Use of Ethylene Oxide at Georgia Plant"

Amena Saiyid

<https://news.bloombergenvironment.com/environment-and-energy/judge-lifts-limited-use-of-ethylene-oxide-at-georgia-plant>

A federal district judge ordered a Georgia county to temporarily lift all limits on a medical sterilizer company's use of the carcinogen ethylene oxide to help clean medical equipment.

Judge William M. Ray II of the U.S. District Court for the Northern District of Georgia on Wednesday issued a temporary restraining order to Cobb County's Nicholas Dawe, the fire marshal, and Kevin Gobble, the chief building manager. The judge is still reviewing the lawsuit Sterigenics U.S. LLC filed against the county on March 30.

The company alleged Cobb County illegally prevented it from using its plant to "provide FDA-approved sterilizations for essential medical products," which it says are needed to fight the novel coronavirus pandemic.

"Sterigenics shall be free to conduct its normal operations at the facility to sterilize medical products without interference of Mr. Dawe or Mr. Gobble during that 14-day period," Judge Ray wrote Wednesday. The 14-day period refers to the length of time left in Cobb County's emergency declaration due to the coronavirus pandemic, which the county may extend on Wednesday.

Cobb County declined to comment on the judge's decision.

Sterigenics in a statement said the ruling enables the company "to serve the urgent needs of health care workers and patients, without product limitation."

Sterigenics and other companies use ethylene oxide for sterilization. The toxic gas is found naturally in ambient air. But prolonged exposure to higher concentrations can harm the brain and nervous system, and potentially cause cancer.

Limits on Sterilization

Sterigenics' lawsuit focused on Cobb County's March 25 order that allowed Sterigenics to reopen its shuttered business, but just for 21 days, during the county's emergency order. It also put limits on what kinds of products the company could sterilize. The company didn't provide an immediate comment.

The county order allowed the sterilization of personal protective gear like masks, gloves, and gowns to ward off Covid-19, the disease caused by the coronavirus. But it didn't permit Sterigenics to sterilize IV sets, catheters, and syringes, as the company wanted.

Sterigenics alleged that Cobb County was illegally preventing the company from resuming full operations by using a "sham manufactured claim" about the plant's lack of compliance with local county codes.

Cobb County has been under pressure from the state of Georgia and the White House since last week to reopen the Sterigenics plant, which had been shut down since August. Local regulators say the company must install upgraded emissions controls to capture fugitive releases of ethylene oxide into the nearby community.

The case is Sterigenics U.S. LLC v. Cobb County, GA, N.D. Ga., No. 1:20-cv-01382, motion granted 4/1/20.

Bloomberg Environment

"EPA Loses Appeal to Keep Emissions Modeling Equations In-House"

Maya Earls

<https://news.bloombergenvironment.com/environment-and-energy/epa-loses-appeal-to-keep-emissions-modeling-equations-in-house>

The EPA can't keep information about its vehicle emissions modeling program from an environmental group, the Second Circuit said Wednesday.

The Environmental Protection Agency has relied on its Optimization Model for Reducing Emissions of Greenhouse Gases from Automobiles since 2010 to set standards under the Clean Air Act. The model can predict which technologies car manufacturers will use, when they will incorporate those technologies, and how much it costs to apply.

Because the OMEGA core model the Natural Resources Defense Council wanted access to isn't deliberative, it doesn't fall under an exemption under the Freedom of Information Act that allows agencies to withhold information, the U.S. Court of Appeals for the Second Circuit ruled.

The EPA argued releasing the core model would reveal its decision whether to include various analytical tools, and expose agency thinking about the need for different types of analysis in a certain area. Judge P. Kevin Castel of the U.S. District Court for the Southern District of New York agreed, saying in an August 2019 ruling that the release could chill open discussion among agency staff.

However, the EPA's argument "stretches the deliberative process privilege too far," Judge Gerard E. Lynch wrote in his opinion Wednesday. Lynch said that the release of the core model would at most reveal the analytical tools the agency had at its disposal.

Lynch compared the model to a “specialized calculator,” and said it contains algorithms instructing the model how to process data. Also, the model doesn’t contain the types of agency communications that courts normally recognize as posing a risk to agency candor.

The district court’s ruling was reversed and remanded with directions to enter judgment in favor of the NRDC on its motion for summary judgment.

Chief Judge Robert A. Katzman and District Judge Lewis A. Kaplan, sitting by designation, joined in the opinion.

The Natural Resources Defense Council represents itself. Donahue, Goldberg, Weaver and Littleton represents the Environmental Defense Fund, which also joined the appeal.

The U.S. Attorney’s Office represents the EPA.

The case is Nat. Res. Def. Council v. EPA, 2d Cir., No. 19-02896, 4/1/20.

Law 360

“Trump Admin. Weakens Obama-Era Vehicle Emissions Rules”

Keith Goldberg

<https://www.law360.com/articles/1258723>

The Trump administration on Tuesday finalized its rollback of Obama-era greenhouse gas emissions and fuel economy standards for vehicles made from 2021 to 2026 — a move that states, environmental and consumer groups have vowed to fight in court.

The U.S. Environmental Protection Agency and U.S. Department of Transportation unveiled the second half of the Safer Affordable Fuel-Efficient Vehicles rule, which calls for a 1.5% annual increase in the stringency of GHG and Corporate Average Fuel Economy, or CAFE standards for cars and light trucks, as opposed to the 5% annual increase called for in the Obama-era rule enacted in 2012. The administration originally proposed freezing the Obama-era standards, which they claimed were no longer feasible for automakers to meet.

The first half of the rule, dubbed the One National Program rule finalized in September, has the EPA yanking California's Clean Air Act waiver to set its own vehicle GHG standards while asserting that Energy Policy and Conservation Act gives the DOT the right to set national fuel economy standards and preempts similar state programs.

"Our final rule puts in place a sensible one national program that strikes the right regulatory balance that protects our environment, and sets reasonable targets for the auto industry," EPA Administrator Andrew Wheeler said in a statement Tuesday. "This rule supports our economy, and the safety of American families."

California, along with allied states, cities and green groups have already challenged the One National Program rule in court. The EPA has never sought to revoke a waiver granted to California to deal with its specific air pollution problems, something enshrined in the CAA when it was enacted.

The second half of the SAFE rule will only escalate an already-bitter feud between the Trump administration and the Golden State and its allies over the future of vehicle emissions regulation, which is seen as the linchpin of any federal action to combat climate change.

The Trump administration's moves have also divided automakers, many of which originally pushed for a revision of the Obama-era standards. In July, Ford Motor Co., Honda Motor Co. Ltd., Volkswagen AG and BMW AG agreed to abide by California's GHG emissions standards no matter what the EPA does.

Another automaker, Volvo Car Corp., confirmed Tuesday that it would do the same.

"We believe this is [the] best path forward for U.S. regulatory certainty and will serve as a national path forward that will allow us to meet federal and state requirements," the company said in a statement Tuesday.

General Motors Co., Fiat Chrysler Automobiles NV, Toyota Motor Corp. and several other auto giants have sided with the administration.

"I am hoping that automakers know better than to go along with this illegal, ill-conceived and dangerous rollback," Natural Resources Defense Council President and CEO Gina McCarthy, a former Obama-era EPA administrator, said in a statement Tuesday. "We'll be seeing the Trump administration in court."

The EPA and the DOT's National Highway Traffic Safety Administration said that under the new rule, the average fuel economy for vehicles between the 2021 and 2026 model years will be 40.4 miles per gallon, compared with 46.7 mpg projected for 2025 model year vehicles under the previous rule.

"They are still more realistic and achievable than the 2012 standards," Wheeler said in prepared remarks on a Tuesday conference call with reporters.

The agencies repeated their claims that the new standards would reduce road fatalities and accidents because drivers would be able to afford newer, safer cars. NHTSA acting Administrator James Owens said on the Tuesday conference call that the agencies settled on 1.5% annual fuel efficiency gains because it "strikes the right balance between environmental considerations, health and safety considerations and economic considerations."

The rule estimates that an additional 2 billion barrels of fuel would be consumed compared to the Obama-era rule, and 867 million to 923 million more metric tons of carbon dioxide would be emitted.

Critics of the administration's actions have said that any rule that increases GHG emissions runs headlong into the U.S.

Supreme Court's landmark 2007 ruling in Massachusetts v. EPA that GHGs are a pollutant under the CAA and subject to EPA regulation, as well as the agency's subsequent finding that GHGs endanger public health and welfare.

While Wheeler insisted Tuesday that "air pollution will go down in this rule," the rule's own data indicates that total emissions of air pollutants including nitrogen oxide, particulate matter and volatile organic compounds will increase over the lifetime of vehicles through the 2029 model year.

An EPA spokesperson said Tuesday that the agencies stand behind their rulemaking process.

"The 1.5% increase in stringency in each model year will provide GHG reductions from new passenger vehicles over time," the spokesperson said. "The SAFE rule comprehensively and extensively details how we quantified and assessed various costs and benefits and weighed those factors in our decision-making."

Given that the first half of the SAFE rule is already being litigated, Owens said that the administration is bracing for legal challenges to the second half of the rule.

"We hope that everybody will sit down and review our analysis and will understand that this is the right balance to strike," Owens said Tuesday.

--Additional reporting by Juan Carlos Rodriguez. Editing by Katherine Rautenberg.

Update: This story was updated with additional details and comments on the rule.

Inside EPA

"EPA, Industry Urge Court To Deny Stay In RMP Rollback Rule Case"

Suzanne Yohannan

<https://insideepa.com/daily-news/epa-industry-urge-court-deny-stay-rmp-rollback-rule-case>

EPA is urging a federal appeals court to reject environmentalists' request to stay litigation challenging its rollback of Obama-era chemical disaster safety mandates as the agency weighs their reconsideration petitions, arguing a stay runs counter to the Clean Air Act (CAA) even if petitions for rule reconsideration are pending.

In a March 30 brief filed with the U.S. Court of Appeals for the District of Columbia Circuit, EPA argues that the court routinely denies such requests for abeyance while petitions for rule reconsideration are pending, and points to CAA

provisions that expressly say that petitions for the agency to administratively reconsider a rule “shall not affect’ a rule’s finality ‘for purposes of judicial review.’”

A stay in the case, *Air Alliance Houston, et al. v. EPA*, is warranted if petitioners provide bases for reconsideration that point to “substantial questions about the validity’ of EPA’s action, which the agency says the petitioners here have failed to do.

In addition, industry intervenors, which include the American Chemistry Council and American Petroleum Institute, among others, similarly ask the court in a March 30 brief to deny the plaintiffs’ request for a stay of the case.

Environmental and community groups, a major industrial union and states sued EPA over the agency’s “Accidental Release Prevention Requirements: Risk Management Programs under the Clean Air Act,” months ago. But last month, they asked the court to stay the case for six months in light of pending petitions they filed in February asking EPA to reconsider the rule.

They are seeking a six-month stay of the litigation, contending EPA inserted “last-minute changes to its justifications for the final rule,” and now must administratively consider petitions challenging those rationales before the litigation proceeds.

“For Petitioners to obtain meaningful judicial review of EPA’s final action, this Court must be able to consider EPA’s complete rationale for the final rule’s changes and all objections to this action,” environmental groups and United Steelworkers said in their March 13 brief.

EPA’s rule rescinds much of the Obama 2017 RMP rule’s major accident prevention program provisions, retracting mandates that would have required third-party audits after an incident, consideration of inherently safer technologies, a root-cause analysis after an incident or a near miss and broad public disclosure of documents after an incident.

But EPA says in its brief that the “new evidence” cited by the petitioners “casts no doubt on the rationales that EPA offered in support of the RMP Reconsideration Rule. And their allegations of a defective notice and comment process do not withstand even passing scrutiny.”

Specifically, they say that the CAA departs from the “ordinary tolling rule” to suspend judicial review while petitions for reconsideration are pending. It notes that in the last four months alone, the D.C. Circuit has twice denied motions for abeyance pending the agency’s disposition of petitions for reconsideration.

‘Substantial Questions’

Further, EPA says the reasons for reconsideration that the plaintiffs make in their petitions are not “substantial questions” about the validity of the rule, and therefore delay of the case is not warranted.

For instance, EPA notes that the plaintiffs-petitioners allege that EPA was improper in basing its final rule on new rationales and data that were not in the draft rule. The plaintiffs-petitioners say, for instance, that they were surprised when EPA in the final rule said it removed accident prevention provisions of the Obama rule, in part, because the costs of those measures outweighed their measurable benefits.

But EPA says it met the test of the Administrative Procedure Act that notice is sufficient if the affected entity “‘should have anticipated the agency’s final course in light of the’ proposed rulemaking.” Here, EPA in the draft rule explained that it was weighing rescinding aspects of the Obama rule “because it doubted that those provisions ‘add environmental benefits . . . that are significant enough to justify their added costs.’”

It also said in the proposed rule that because of lower accident rates at RMP facilities under the pre-2017 RMP rule, “‘it is likely that the costs associated with the prevention program provisions of the RMP Amendments exceed their benefits unless significant non-monetized benefits are assumed.’”

Therefore, “Petitioners cannot plausibly claim to have been surprised when EPA’s final rule cited ‘the disproportionality of costs versus benefits’ as partial justification for rescinding provisions of the [Obama] RMP Amendments Rule,” EPA says.

In addition, in their brief, industry-intervenors argue that the petitioners “point to administrative petitions for reconsideration recently filed with EPA as a reason for their requests, but there is no practical or legal connection between their administrative petitions and pausing this case for the requested period of time.

“Nowhere does EPA suggest that those administrative petitions would be resolved in six months.” They add that in the meantime, “the regulated community would suffer from regulatory uncertainty that will complicate compliance planning if the Court were to grant the motion.”

Disinfectants

EPA Cracking Down on Misbranded Coronavirus Treatment Products

EPA Cuts Approval Mandate for Virus-Fighting Disinfectant Makers

Disinfectants

Bloomberg Environment

“EPA Cracking Down on Misbranded Coronavirus Treatment Products”

Adam Allington

<https://news.bloombergenvironment.com/environment-and-energy/epa-cracking-down-on-misbranded-coronavirus-treatment-products>

The EPA is stepping up enforcement against products making unproven antiviral or disinfectant claims in light of the coronavirus pandemic.

The Environmental Protection Agency recently blocked a shipment of allegedly antimicrobial plastic cards from Japan and Hong Kong from entering U.S. ports in Honolulu and Guam. The cards, containing chlorine dioxide and worn on a lanyard around the neck, falsely claimed they provided anti-viral and anti-bacterial protection, the agency said.

“This is the tip of the iceberg,” said Thomas Brugato, special counsel at Covington and Burling LLP who specializes in environmental and pesticide law. “I think we’ll definitely see more cases like this.”

Given the clear public health implication of pandemic, it was only a matter of time before the EPA began targeting consumer products making unverified anti-viral claims like the ones in the blocked shipments, Brugato said.

The agency said it’s working with U.S. Customs and Border Protection to monitor and possibly deny entry of other products making illegal claims. Meanwhile, Amazon.com Inc. removed the plastic cards, made by Japan’s Toamit Company, from its online marketplace at the agency’s request.

“It is critical that people only use EPA-registered disinfectants and follow label directions for proper use,” said John Busterud, the agency’s Pacific Southwest regional administrator. “EPA will not tolerate companies selling illegal disinfectants and making false or misleading public health claims during this pandemic crisis.”

Using unregistered or misbranded products can be harmful to human health, cause adverse effects, and fail to stop the spread of Covid-19, the disease caused by the new coronavirus, the EPA said.

Adhering to Standards

The ramped up enforcement on bogus disinfectants stands in contrast with the agency’s [guidance document](#) released March 26 that allowed enforcement discretion for a variety of environment regulations in light of the Covid-19 pandemic.

Products that claim to kill or repel bacteria or germs are considered pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), and therefore must be registered with the EPA before they’re distributed or sold.

Disinfectants used against microorganisms are considered antimicrobial pesticides.

The EPA reviews product data as part of the registration process to see if they adhere to federal standards for safety and efficacy, an agency spokeswoman told Bloomberg Law.

“Unregistered products have not had the same review,” she said.

The agency said monitoring occurs by screening products intended for import, as well as following up on tips and complaints. Enforcement is typically issued through stop-sale orders and penalty actions authorized under FIFRA sections 13 and 14, respectively.

Working With Groups

In addition to Customs and Border Protection, the government also works with industry trade groups to identify and flag knockoff products on various e-commerce platforms.

“The coronavirus pandemic further highlights the dangers that can come from unregulated and illegal products making false claims, and in this case, that can cause serious public health concerns,” said Owen Caine, executive vice president of government relations at the Household Consumer Products Association.

When consumers evaluate products that can be used to fight Covid-19, Caine said it is imperative that they follow the direction of the EPA’s list of [approved antimicrobial products](#).

“Too many bad actors exist on the Internet, making false claims about what their products can do, and this situation highlights why there needs to be more regulation on e-commerce platforms,” he said.

In response to the new coronavirus, the EPA has employed an [expedited process](#)

for reviewing products making antimicrobial or anti-viral claims, often returning a decision within 14 days, compared to the 90 days it normally takes. Once such claims are approved, these disinfectants can be labeled and marketed accordingly.

Bloomberg Environment

“EPA Cuts Approval Mandate for Virus-Fighting Disinfectant Makers”

Sylvia Carignan

https://news.bloombergenvironment.com/environment-and-energy/epa-cuts-approval-mandate-for-virus-fighting-disinfectant-makers?usertype=External&bwid=00000171-31f0-d718-a3f7-39fb4a750001&qid=6884461&cti=FGOV&uc=1320000080&et=CURATED_HIGHLIGHTS&emc=neve_hlt%3A9&context=email&email=00000171-31d0-d505-affd-37d8eed20000&access-ticket=eyJjdHh0IjoITkVWRSlmImlkIjoIMDAwMDAxNzEtMzFmMC1kNzE4LWEzZjctMzlmYjRhNzUwMDAxliwic2lnIjoISUZZUTFJVEw0b1Vlb2c3UDNZNEQ1Qm9keDNzPSIsInRpbWUOIiNTg1Njg1MDQ3IiwidXVpZCI6Im80UGpQSzBoeEw2UkVEbzYwYUluYmc9PWU0bkNMVTh3c3Z6ekQwREVZbW5UckE9PSIsInYiOiIxIn0%3D

The EPA is allowing manufacturers of some coronavirus-fighting disinfectants to acquire raw materials more quickly by removing a requirement for companies to get agency approval.

The Environmental Protection Agency announced Tuesday it would temporarily allow manufacturers of already-registered disinfectants to obtain some active ingredients from any supplier without first getting the agency's approval.

- The agency typically requires those companies to notify the EPA before changing the source of an active ingredient.
- The waiver applies to active ingredients including ethanol, hydrogen peroxide, and sodium hypochlorite. Ethanol is used in making hand sanitizer.
- Manufacturers received permission last week to obtain certain inert, or inactive, ingredients from different suppliers without checking with the agency first.

Enforcement

House Democrats blast EPA as agency suspends monitoring amid coronavirus

Despite EPA decision, Virginia says polluters must 'make every effort' to comply with environmental regulations

Coalition petitions EPA for disclosure as agency OKs suspension of environmental monitoring

EPA Enforcement Dropping Sharply, Agency Watchdog Says

EPA enforcement move meets API wish list — and then some

Enviros eye lawsuit over 'non-enforcement policy

The Hill

“House Democrats blast EPA as agency suspends monitoring amid coronavirus”

Rebecca Beitsch

<https://thehill.com/policy/energy-environment/490449-house-democrats-blast-epa-as-agency-suspends-enforcement-of>

Several House Democrats had harsh words for the Environmental Protection Agency (EPA) following an announcement it would suspend enforcement actions against companies who don't monitor for pollution during the coronavirus outbreak.

Guidance released by the agency last week informed companies they would not face fines or other enforcement actions from the agency for failing to monitor and report their pollution.

Companies are expected to “comply with regulatory requirements, where reasonably practicable, and to return to compliance as quickly as possible,” the agency wrote in a release announcing the change, which is temporary, but has no set end date.

“This suspension of enforcement during the ongoing COVID-19 health crisis is irresponsible and neglects the Agency's core mission to protect public health,” lawmakers in the House Sustainable Energy and Environment Coalition (SEEC) wrote in a letter spearheaded by Rep. Mike Quigley (D-Ill.).

Environmentalists have raised concerns that without monitoring, companies may emit a number of air and water pollutants with little consequence.

Lawmakers pointed to air pollution emitted by the oil industry in particular, one of many industries that asked for a suspension of some environmental regulations during the pandemic.

“The health impacts of these pollutants are well-established, and exposure is particularly dangerous for those with respiratory conditions. We are currently facing a severe respiratory pandemic, taking lives and hospitalizing thousands—at this moment, communities need more protections from toxic pollution, not less. Waiving environmental enforcement will only add to the severity of the COVID-19 crisis,” lawmakers wrote.

The EPA has pushed back against earlier characterizations of the law as a nationwide waiver of environmental rules.

"The policy does not say that the COVID-19 pandemic will excuse exceedances of pollutant limitations in permits, regulations, and statutes. EPA expects regulated entities to comply with all obligations and if they do not, the policy says that EPA will consider the pandemic, on a case-by-case basis, when determining an appropriate response," an EPA official said by email.

"The SEEC claims are false and it is apparent they didn't even read our guidance. EPA's enforcement authority and responsibility remains active," the person added.

Companies are expected to keep records of their own noncompliance, along with identifying how the coronavirus was a factor.

But lawmakers said the pandemic only heightens the need for strong enforcement, especially given that many polluting industries set up shop in the same low-income areas, exacerbating health issues in poor communities and communities of color.

"Your broad suspension of enforcement is unprecedented and dangerous, especially given the pandemic we face. While our doctors and nurses work urgently to keep people healthy and manage hospital overflows, you are granting polluting industries a free pass to contaminate our air and water, likely adding patients to healthcare providers' already overwhelming caseloads," they wrote.

NBC 12

"Despite EPA decision, Virginia says polluters must 'make every effort' to comply with environmental regulations"

Sarah Vogelsong

www.nbc12.com/2020/04/01/despite-epa-decision-virginia-says-polluters-must-make-every-effort-comply-with-environmental-regulations/%3foutputType=amp

Virginia will not relax its enforcement of environmental regulations despite an announcement by the U.S. Environmental Protection Agency last week that it won't impose civil penalties on polluting facilities that don't comply with routine monitoring and reporting obligations during the coronavirus pandemic.

"All regulated entities are expected to make every effort to comply with environmental compliance obligations, adhere to permit limits and maintain the safe and environmentally protective operation of their facilities," said Virginia Department of Environmental Quality Director David Paylor in a news release Tuesday.

As the new form of coronavirus, which can cause a deadly illness known as COVID-19, continues to spread throughout the nation, many infrastructure and industrial facilities, from wastewater treatment and utility plants to manufacturing concerns, have expressed concerns about their ability to meet environmental requirements in the face of reduced workforces and social distancing guidelines.

In his agency's Tuesday statement, Paylor said that "DEQ staff will consider non-compliance issues resulting from COVID-19 on a case-by-case basis, but by no means does this crisis equal a free pass for the regulated community."

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The Hill

"Coalition petitions EPA for disclosure as agency OKs suspension of environmental monitoring"

Rebecca Beitsch

<https://thehill.com/policy/energy-environment/490583-coalition-petitions-epa-for-disclosure-as-agency-oks-suspension-of>

A coalition of environmental groups is petitioning the Environmental Protection Agency (EPA) for more stringent disclosure following a memo from the agency that allows companies to suspend monitoring for pollution during the pandemic.

A directive issued by the agency last week informed companies they will not face fines or other enforcement actions from the EPA if they do not track emissions and discharges during the coronavirus outbreak.

Environmental groups have characterized the memo as a license to pollute, as companies will not have to submit regular reports to EPA showing they are not violating environmental laws.

"We fully appreciate the disruption and harm caused by the COVID-19 pandemic. But EPA's unprecedented non-enforcement policy creates a clear opportunity for abuse," states the petition, which was signed by 21 environmental and watchdog groups and spearheaded by the Natural Resources Defense Council (NRDC).

EPA's memo requires companies to keep track of when they were not able to monitor for pollution and explain how the coronavirus outbreak was the cause. The agency has consistently pushed back against the characterization the memo is a nationwide waiver of environmental rules.

"It is important to note that, contrary to the allegations in the petition, EPA's enforcement authority and responsibility remains active," the agency said in a response to The Hill.

"The policy does not say that the COVID-19 pandemic will excuse exceedances of pollutant limitations in permits, regulations, and statutes. EPA expects regulated entities to comply with all obligations and if they do not, the policy says that EPA will consider the pandemic, on a case-by-case basis, when determining an appropriate response."

But the petition from the environmental groups asks the EPA to issue an emergency rule within seven days that requires public disclosure of which companies have suspended environmental monitoring as well as when they return to compliance, all collected in a searchable database.

Crafting such a rule in seven days would be a lightning fast turnaround in a procedure that can drag out for years, but the petitioners argue the extraordinary measure is necessary.

"EPA has created an emergency by inviting widespread noncompliance, providing good cause for such action," they write.

"EPA's non-enforcement policy threatens environmental and health protections by inviting regulated entities to pollute and to hide crucial information from the public. It conveys a broad license to industry to quit monitoring and reporting indefinitely, based only on the honor system."

That will most immediately affect downwind and downriver communities. Many polluting industries set up shop near communities of color and low income communities, leading to worse health effects for nearby populations. Those same communities might now be exposed to a surge of pollution with little ability to document or fight it, the petitioners say. The EPA did not respond to request for comment on the content of the petition.

The agency has said the memo was necessary to avoid tying up staff time answering routine questions when they must focus on the pandemic.

"The policy says that EPA will not seek penalties for noncompliance with routine monitoring and reporting requirements, if, on a case-by-case basis, EPA agrees that such noncompliance was caused by the COVID-19 pandemic. Regulated parties must document the basis for any claim that the pandemic prevented them from conducting that routine monitoring and reporting and present it to EPA upon request," a spokesperson said in a statement.

Bloomberg Environment

"EPA Enforcement Dropping Sharply, Agency Watchdog Says"

Stephen Lee

<https://news.bloombergenvironment.com/environment-and-energy/epa-enforcement-dropping-sharply-agency-watchdog-says>

The EPA's enforcement and compliance monitoring activities have tailed off sharply over the last decade, the agency's internal watchdog said in a new report.

The findings are broadly consistent with patterns reported elsewhere, including by the Environmental Protection Agency itself in February.

In fiscal 2018, the EPA conducted 33% fewer inspections than in fiscal 2007, according to the Office of Inspector General in a report dated March 31 but made public Wednesday.

The number of enforcement actions initiated by the EPA fell by 52% over the same period, and the number of actions completed dropped by 51%, the OIG said.

Moreover, the number of enforcement actions with penalties dropped by 53% from fiscal 2007 to fiscal 2018. During that period, the EPA's penalty total in fiscal 2018 was the lowest, at \$69 million. It peaked in fiscal 2016 at \$6.1 billion. Some of the dropoffs could be chalked up to fewer resources. Funding for the EPA's enforcement program and the number of enforcement staff dipped by 18% and 21% respectively between fiscal 2006 and fiscal 2018, according to OIG.

EPA Responds

In a written response to the inspector general's office, agency enforcement chief Susan Parker Bodine said the report "does not fully reflect enforcement trends."

Because states take the lead role in enforcement, "the EPA will continue to focus where it can provide the most value," acting as a backstop when a state or tribe doesn't take action, Bodine wrote.

She further noted that voluntary, self-disclosed violations rose by some 20% in fiscal 2019 over fiscal 2018. Fiscal 2019 also saw a 33% increase in the number of criminal cases, according to Bodine. The number of criminal defendants charged rose by 28% during the same period, she said.

Further, \$472 million was assessed in combined civil penalties and criminal fines in fiscal 2019, which Bodine said was the highest total in all but four of the past 10 years.

The OIG made no recommendations in its report.

The report also found that the number of supplemental environmental projects fell by 48% over the study period.

In March, the Justice Department ended the practice, which lets companies make amends for pollution-related violations by performing environmentally beneficial projects.

E&E News

"EPA enforcement move meets API wish list — and then some"

Kelsey Brugger & Corbin Hiar

<https://www.eenews.net/greenwire/2020/04/01/stories/1062760565>

Three days before EPA issued a policy signaling to industry it would not penalize companies for failing to comply with environmental laws during the novel coronavirus pandemic, the American Petroleum Institute sent the agency a wish list.

The oil and gas lobby got more than it had hoped for.

"This policy, it didn't miraculously happen. It came about because this administration is spending more time concerned about the fossil fuel industry than it is about people and their health," said Natural Resources Defense Council President Gina McCarthy, adding, "All I know is that API wrote a letter, and then not a very long time and this came out."

The nationwide policy was an unprecedented move by EPA and came as the Trump administration continues to march ahead with a deregulatory agenda. It also came as President Trump's quest for "energy dominance" has suffered due to depressed energy demand worldwide.

Environmental law requires the energy industry to self-monitor and self-report most violations from pollution activities. While EPA was generally expected to offer relief on some specific enforcement issues due to the pandemic, the agency edict functions as a blanket nonenforcement assurance, critics say. It grouped together all industries and all types of environmental compliance. The approach had historically been used only in a particular region ahead of an extreme weather event like a hurricane, enforcement experts said.

Specifically, the EPA policy gave 17 examples of categories of compliance obligations that industry might not be able to meet amid COVID-19. Those include reporting and monitoring of air pollution, greenhouse gas emissions, wastewater, leaks, sewage, lab tests and others.

All but one of the examples was pulled from API's March 23 letter where the oil lobby asked for relief related to "non-essential compliance discretion." The API letter included 28 examples of "physical challenges" with on-site testing, monitoring and reporting requirements.

"I was kind of stunned by the breadth of their request," said Joel Mintz, an environmental professor and author of "Environmental Enforcement: Cases and Materials." "Clearly, their influence was a big deal."

The policy also said the agency could issue "No Action Assurances" for "critical infrastructure" on a case-by-case basis. API President Mike Sommers specifically called the oil and gas industry "critical infrastructure" in his recent letter ([*E&E News PM*](#), March 26).

API Senior Vice President Frank Macchiarola said in an email that API was "pleased EPA responded to the concerns of several other industries — and our letter — in a timely fashion. There is a national crisis that includes the need to protect our workers while they are providing the nation's fuels."

Macchiarola maintained that the policy was intended to help industry comply with Centers for Disease Control and Prevention social distancing guidance during the pandemic.

"A considerable amount of monitoring involves actual physical measurements in facilities," Macchiarola said. "For example, leak detection contract technicians sign in and out of process units and as they complete their traverses, they come into contact with operators, engineers, and others by necessity."

He added that pollution control equipment continues to operate "as our industries [continue] to follow requirements by federal and state programs."

Yet Mintz countered that if companies have workers who are "healthy enough to operate," they should be able to comply with most environmental reporting.

The EPA policy directs companies to "act responsibly" and says compliance that is not "reasonably practicable" due to COVID-19 would be overlooked. It says the agency does not expect to seek penalties for routine compliance where EPA

agrees COVID-19 was the cause of noncompliance. Companies will be expected to submit relevant documents "upon request."

Patrice Simms, a former EPA attorney who is now with Earthjustice, objected to the "reasonably practicable" threshold. "What the heck does that mean?" he asked.

Simms added: "What is really important about this is that announcements of enforcement discretion are only relevant when someone is failing to follow the law."

Others wondered when EPA would vet industry noncompliance requests. NRDC petitioned EPA today to issue a rule requiring companies to publicly disclose when they stop monitoring or reporting their air and water emissions.

As of yesterday at 6 p.m., API said it had not submitted any waivers of noncompliance nor did it have any information on whether its member companies had.

When asked, McCarthy responded: "It would be great if [API] had a more straightforward answer. If companies decided not to take advantage of this, I applaud them. But that's generally not why you need to have regulations."

"I cannot imagine that every company is going to be as gracious as apparently the folks at API think. Or maybe API just hasn't asked them. I guess it's a 'don't ask, don't tell' policy for pollution."

Earlier this week, EPA issued a press release seeking to debunk media coverage of the policy.

"EPA expects regulated entities to comply with all obligations and if they do not, the policy says that EPA will consider the pandemic, on a case-by-case basis, when determining an appropriate response," EPA Administrator Andrew Wheeler wrote in a press release. "The development of the policy was a group effort, involving multiple calls ... and drafts shared among EPA staff and managers, both career and political, at both headquarters and in the regions."

By deadline, EPA did not respond to a question on whether the agency included input from environmentalists or other stakeholders when crafting the policy.

E&E News

"Enviros eye lawsuit over 'non-enforcement policy'"

Corbin Hiar

<https://www.eenews.net/greenwire/2020/04/01/stories/1062760511>

A coalition of environmental and public interest groups today pressed EPA to make its enforcement policy for the coronavirus crisis stronger and more transparent.

The emergency petition, former EPA Administrator Gina McCarthy said in an interview this morning, could be the first step toward a potential legal challenge of the controversial pandemic-driven regulatory relief.

The petitioners — led by the Natural Resources Defense Council, which McCarthy now leads, and Public Citizen — raised significant concerns about the temporary policy, which grants regulated facilities wide latitude on whether to continue most routine pollution monitoring for an unspecified length of time.

Under the temporary policy, facilities are required to document their reasons for discontinuing monitoring, though they don't have to affirmatively inform the public of such a move and are required to provide documentation to EPA only "upon request" (*E&E News PM*, March 26).

That essentially amounts to a "non-enforcement policy," the groups claim in the [petition](#), and "creates an immediate and serious risk to people and communities affected by pollution."

The groups acknowledged the enforcement challenges posed by COVID-19, the potentially deadly respiratory disease caused by the coronavirus, but they say the temporary policy "creates a clear opportunity for abuse."

Those concerns have been echoed by public health experts, who worry the policy could leave heavily polluted communities at greater risk of serious complications from COVID-19 (*Climatewire*, March 30).

To reduce the potential for abuse, the petition calls for EPA to require a facility to notify the agency and state regulators electronically in writing as soon as it "fails to comply with required monitoring, reporting, testing, sampling, inspection or certification."

That notification should include which standards weren't followed and why, how that was related to the coronavirus pandemic, and how the facility is working to come back into compliance, the groups argued. EPA should also post those notifications online within a day of receiving them.

The changes the groups seek should take effect within seven days as an interim final rule, which could be then opened to public comment and amended as need be, the petition says.

"EPA will review NRDC's petition for rulemaking," an agency spokesperson said in a statement, which also strongly defended its existing policy.

"EPA's enforcement authority and responsibility remains active," the spokesperson said. "We will continue to work with federal, state and tribal partners to ensure that facilities are meeting regulatory requirements, while taking appropriate steps to protect the health of our staff and the public."

But McCarthy, NRDC's president and CEO, seems prepared to sue her former agency if it doesn't abandon what she called its "don't ask, don't tell policy for pollution."

"We had a number of parties sign onto this, and I expect that if we end up having to go to court over this, there will be even more," she said.

Pesticides

EPA Gives Soybean Farmers New Option to Control Resistant Weeds

Pesticides

Bloomberg Environment

"EPA Gives Soybean Farmers New Option to Control Resistant Weeds"

Adam Allington

<https://news.bloombergenvironment.com/environment-and-energy/epa-gives-soybean-farmers-new-option-to-control-resistant-weeds?context=search&index=34>

The Environmental Protection Agency will allow farm owners to use a new pesticide on soybeans to help them kill resistant weeds and avoid using more volatile chemicals on their crops.

The agency on Monday approved for isoxaflutole, an herbicide produced by Bayer AG that's registered for use on corn, to be registered for use on soybeans. Both corn and soybeans are genetically engineered to withstand the weed killer.

"We've heard from farmers across the country about the importance of having new means available to combat economically-damaging weeds," Alexandra Dapolito Dunn, EPA's assistant administrator for the Office of Chemical Safety and Pollution Prevention, said in a statement.

Farmers had encouraged the EPA to expand use of the herbicide. More than 70 grass and broadleaf weeds are showing resistance to numerous inhibitors, Bill Gordon, president of the American Soybean Association, said in public comments on Regulations.gov.

The new registered use for soybeans, as it is for corn, will be restricted, meaning applicators must receive special training before using it. The training will emphasize ways to protect ground and surface water and non-target plants, the EPA said.

Limited Use

Isoxaflutole is currently registered for use on corn in 33 states. States can opt not to register a pesticide for in-state use for a variety of reasons including environmental or geographic concerns. The new use on soybeans will be limited to counties in 25 states based on the potential impacts to endangered species, according to EPA.

The EPA said it will limit isoxaflutole use on soybeans to specific counties to protect endangered or threatened species from exposure. The agency also said it will impose additional use restrictions, such as not allowing aerial and irrigation system applications.

Registration is limited to five years, during which time the EPA will evaluate any potential weed resistance issues.

Registrants must provide an herbicide-resistance management plan and submit annual reports to EPA.

Agricultural trade groups say there have been relatively few new herbicide modes of action. Many newer herbicide products are simply reformulated mixes of existing active ingredients, such as dicamba, 2, 4-D or glyphosate.

Sarah Lancaster, a professor of weed science at Kansas State University, said she believes isoxaflutole will help manage Palmer amaranth, or "pigweed," which agricultural scientists say has rapidly developed resistance to other herbicides, and glyphosate in particular.

Isoxaflutole is sold under the brand names Balance Flexx and Corvus. According to previous statements from BASF SE, once Bayer has successfully registered its product for use on soybeans, the registration will extend to BASF, which plans to sell a similar isoxaflutole product under the brand name Alite 27 Herbicide.

The chemical is the first member of a new structural class of herbicides called isoxazoles. They work by preventing the biosynthesis of carotenoid pigments in broadleaf and grassy weeds. Without carotenoid pigments, chlorophyll pigments are damaged by the sun and a plant eventually dies.

Regulations

EPA Is Jamming Through Rollbacks That Could Increase Coronavirus

Climate strikers blast EPA suspension of pollution laws: "How are we supposed to protect our lungs?"
Greens press EPA to require companies to disclose pollution violations

Regulations

The Intercept

"EPA Is Jamming Through Rollbacks That Could Increase Coronavirus Deaths"

Sharon Lerner

<https://theintercept.com/2020/03/31/epa-regulations-air-pollution-coronavirus/>

While health experts around the country are focused on containing the spread of the coronavirus, the Environmental Protection Agency is making changes that could both worsen the impact of the current crisis and hamstring responses to future pandemics. In addition to moving full speed ahead with a plan to limit the use of research based on private health data, the EPA is temporarily lifting requirements on enforcement of pollution laws.

The change in enforcement is particularly scary for people like Pat Gonzales. Gonzales, who is 53, has had asthma since she moved near several oil refineries in Pasadena, Texas, 20 years ago. Her three children, who were raised in the town southeast of Houston, have also developed breathing problems while living in Pasadena. Because of the sustained effects of air pollution, which appear to make people particularly vulnerable to the effects of the virus, Gonzales has been staying inside, washing her hands, and worrying about the health of her family and everyone else with compromised lungs in Pasadena. "If we get this, it won't be easy to take care of," she said.

EPA data backs up Gonzales's sense that her family's breathing problems are "all because of the refineries," as she told me. In October, the EPA measured benzene levels at the fence line of Pasadena Refining Systems, which is about a mile from Gonzales's home, at almost twice an exposure limit set by the National Institute of Occupational Safety and Health. Pasadena Refining Systems, which is owned by Chevron, is one of at least 10 refineries in Illinois, Louisiana, Mississippi, Pennsylvania, New Mexico, and Texas whose emissions of the deadly pollutant benzene exceeded safety levels in the last quarter of 2019.

The environmental agency, citing the coronavirus pandemic, announced that it was giving polluters a free pass on the enforcement of pollution rules last week. The policy waives many of the usual requirements for monitoring, testing, sampling, and lab analysis of emissions of chemicals. And that could make it much harder to know if the Pasadena refinery — or any industrial facility — is pumping out dangerous amounts of pollution.

Asked about the change, an EPA spokesperson confirmed in an email that the "EPA will not seek penalties for noncompliance with routine monitoring and reporting requirements" but noted that the agency would do this only "if, on a case-by-case basis, EPA agrees that such noncompliance was caused by the COVID-19 pandemic." The email also said, "This action was necessary to avoid tying up EPA staff time with questions about routine monitoring and reporting requirements and instead allow EPA to focus on continued protection of human health and the environment."

But rolling back the enforcement of environmental laws is only one of the steps the agency is quietly taking during the coronavirus outbreak that could worsen both the impact of the current crisis and future pandemics. These critical protections are being weakened while the public health experts who have typically fought against them have been instead focused on the urgent threat of the virus.

"They're taking political advantage of a crisis when they know it's more difficult to respond," said Andrew Rosenberg, director of the Center for Science and Democracy at the Union of Concerned Scientists.

Because a lack of enforcement can lead to increased releases of pollution, the decision to suspend many of the normal requirements for pollution control may put polluted communities at particular risk from Covid-19 even as the virus spread around the country. "If limits are exceeded, then companies have to fix it," said Eric Schaeffer, executive director of the Environmental Integrity Project. "If it's not documented, they don't have to. It's a see-no-evil situation."

According a memo Susan Bodine, assistant administrator for the EPA's Office of Enforcement and Compliance Assurance, released last week, the suspension of usual enforcement requirements is a response to widespread staffing shortages. "The consequences of the pandemic may affect facility operations and the availability of key staff and contractors and the ability of laboratories to timely analyze samples and provide results," it said.

The American Chemistry Council, a trade group representing the chemical industry, came out in support of the enforcement suspension, which it said "is needed because essential personnel and resources must be devoted to maintaining production and meeting increased demand for vital chemical products such as sanitizers, disinfectants, and plastics for consumers, governments and the health care community."

But environmental groups are pushing back against the idea that the fast-spreading virus justifies increased emissions of pollution. "To treat monitoring like a paperwork exercise is really misleading," said Schaeffer. His organization, along

with the Louisiana Bucket Brigade, Public Citizen, Environment Texas, and other groups, wrote to Bodine last week to ask the EPA to post online any agreements with regulated companies to delay or reduce environmental requirements, including “a clear explanation of how the coronavirus pandemic made such decisions necessary and what steps facilities will take to reduce their health impacts.”

While Schaeffer acknowledged the possibility that the spiraling health crisis could leave some companies short-staffed, he worried that the blanket exemption would allow other companies to ignore environmental rules without consequence. “If everyone’s at work refining oil and making chemicals, and it’s just your compliance staff that’s been coronavirused-out, then they’ll need to explain that,” he said.

The environmental groups’ letter also pointed out the riskiness of moves that could increase dangerous pollution during a global pandemic. “Actions that obscure the release [of] toxins or other air pollutants that exacerbate asthma, breathing difficulty, and cardiovascular problems in the midst of a pandemic that can cause respiratory failure is irresponsible from a public health perspective.”

Indeed, the decision to scale back enforcement, including the reporting of air pollution emissions, may be deadly for people living near polluting facilities beyond Pasadena. “Fence-line communities are already at an increased risk for developing devastating health outcomes like cancer,” said Elena Craft, senior director for climate and health at the Environmental Defense Fund. Craft said she was also particularly concerned about communities that are heavily exposed to the air pollutant ethylene oxide, a gas that is released as the result of industrial processing and the sterilization of medical equipment that can decrease immunity and increase rates of cancer. Underlying conditions increase the likelihood of serious consequences and death from infection with the coronavirus.

In the census tract in St. John, Louisiana, that has by far the highest cancer risk from air pollution of any in the country, the virus is already spreading, according to resident Robert Taylor. “We have families who have both heads of the households dying, father and daughter dying within hours of each other. It’s devastating,” said Taylor, who is 79. Residents of St. John have been chronically exposed to dozens of air pollutants, including the carcinogen chloroprene. “It’s frightening because we know we’re so compromised as a result of the pollution that we have. I have friends and relatives who have been infected with the virus,” said Taylor. “People don’t know what to do.”

Meanwhile, even as the nation is hanging on the words of epidemiologists to steer us through the current crisis, the EPA has been proceeding with a rule that would severely limit the use of epidemiology, or the study of how disease is distributed throughout populations. While previous versions of what the agency is calling the “Strengthening Transparency in Regulatory Science Rule” limited the use of epidemiological research based on private individual health data, the latest version — released on March 18, as the virus was already spreading through the U.S. — goes much further.

“It’s frightening because we know we’re so compromised as a result of the pollution that we have.”

The new, broadened rule would limit the use of research based on confidential health information not just in regulatory decisions about such things as air quality standards, car exhaust, and water protections, but also in what it calls “influential scientific information,” a category that includes everything from reports to risk assessments, toxicological profiles of substances, and health and safety assessments.

Although the proposed rule can clearly be traced back to a tobacco industry strategy to evade regulation, the EPA has defended it as an innocent effort to make data available so it can be validated. But science and public health advocates, who have repeatedly pointed out that the rule would make it difficult to use most health research, are now pointing to the bitter irony of the EPA’s effort to push it through during what may be the worst health crisis in our nation’s history. “Here we are relying on epidemiology to figure out what’s going on, and in the midst of all this, they’re trying to jam through this proposal that would say that this kind of information couldn’t be used to craft regulations,” said Rosenberg of the Union for Concerned Scientists. Rosenberg added that there were many possible uses of epidemiology that would help not only during the current crisis, but also during future disease outbreaks.

“Suppose you wanted to look at hotspots where you have very high numbers of Covid-19 cases so you could take steps to address that specific problem,” said Rosenberg. “The only way you’d know that is epidemiology.” But under the proposed rule, he said, “you wouldn’t be able to give that information full weight because the data has to be public. But that data can never be public. No one is going to want their test results publicly available.”

In a letter sent to EPA Administer Andrew Wheeler last week, Sen. Thomas Carper, D-Del., cited other examples of “studies that could be usefully relied upon during a pandemic or other crisis” that would be systematically excluded by the EPA’s new rule. Carper highlighted research on the persistence of coronaviruses and the fatality of other viruses, as well as studies that show that air pollution exposure increases the risk of developing lower respiratory infection while urging Wheeler to withdraw the rule.

Asked about Carper's request, the EPA provided the following emailed response: "The Senator, whether it be by letter or press statement continues to make patently false and misleading claims about the proposed Strengthening Transparency in Regulatory Science rule. Transparency in science that enables independent validation of scientific conclusions is important to advancing the Agency's mission. In no way does the proposed rule or the supplemental notice suppress research or censor scientists."

The EPA response also noted that "our most important environmental statutes provide EPA with authority to issue emergency orders or respond to address emergencies to protect human health and the environment, and this proposed rule would not limit or impede EPA's authority to undertake such responses."

In any case, the EPA has declined Carper's request to withdraw the rule. The environmental agency has also refused to extend the 30-day comment period for the rule, which is set to end on April 17, or to hold virtual hearings. In their absence, the Union of Concerned Scientists is planning to host its own.

Salon

"Climate strikers blast EPA suspension of pollution laws: 'How are we supposed to protect our lungs?'"

Jeff Biggers

<https://www.salon.com/2020/04/01/climate-strikers-blast-epa-suspension-of-pollution-laws-how-are-we-supposed-to-protect-our-lungs/>

As our nation passed the grim benchmark last Thursday with the world's most confirmed cases of COVID-19, the Environmental Protection Agency quietly announced its new policy to relax oversight for water or air violations at power plants and other industrial operations.

Global climate strikers, led by Swedish activist Greta Thunberg, didn't let it slide into the oblivion of the news cycle.

"The EPA uses this global pandemic to create loopholes for destroying the environment," Thunberg posted on Twitter.

"This is a schoolbook example for what we need to start looking out for."

Only days after the agency proposed new rules to restrict scientific research in public health decisions, the EPA's

"temporary enforcement discretion policy" effectively unleashed polluters from any compliance with current regulations, including the emission of particulates that could impact the most vulnerable in the coronavirus crisis.

In general, the EPA does not expect to seek penalties for violations of routine compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification obligations in situations where the EPA agrees that COVID-19 was the cause of the noncompliance and the entity provides supporting documentation to the EPA upon request.

Last week's announcement by the EPA blindsided American climate strikers with its potential fallout for respiratory concerns.

"How are we supposed to protect our lungs from Covid-19 if @EPA suspends enviro protection laws?" asked the Student Climate Strikers in Iowa City.

How are we supposed to protect our lungs from Covid-19 if @EPA suspends enviro protection laws? For 1 year we strike against a coal plant that releases particulate matter, Nitrogen Oxides, lead, Sulfur Dioxide etc that cause chronic respiratory diseases <https://www.nytimes.com/2020/03/26/climate/epa-coronavirus-pollution-rules.html> ...

Here in Iowa City, climate strikers, including my son Massimo, had recently posted a list of toxins released by the University of Iowa's coal-fired power plant — including particulate matter, nitrogen oxides, sulfur dioxide, lead, arsenic and other hazardous pollutants — that could lead to "damaged lung tissue, exacerbate asthma, and make people more susceptible to chronic respiratory diseases like pneumonia and influenza," and chronic bronchitis, according to research by the Union for Concerned Scientists.

"All things being equal," Dr. Meredith McCormack, a spokeswoman for the American Lung Association and associate professor of pulmonary and critical care at Johns Hopkins University, told the New York Times on Friday, "a person exposed to air pollution would likely have a worse outcome if they were exposed to coronavirus."

Writing from New York City, 14-year-old climate striker Alexandria Villaseñor, put it in one line: "Society is unraveling."

While the global climate strike's "Fridays for Future" movement may have gone digital now, in an act of solidarity to slow the spread of coronavirus, its call to "treat the crisis as a crisis," in the words of Thunberg, underscores the very missteps that have allowed the U.S. to become the epicenter of the coronavirus pandemic.

Over the past year, millions of youth have been asking adults to be the "adults in the room."

Week after week, study after study, strike after strike, climate strikers been trying to get adults to recognize basic science, get beyond stages of denial and delay, and address the unfolding climate emergency — before it turns into a scenario of "untold suffering," as declared by thousands of scientists last fall.

That untold suffering is now, albeit with a different crisis.

But far from being indifferent or cavalier to the COVID-19 crisis, climate strikers have been bolstered by their work on climate issues to move beyond the paralysis of what psychologists call "anticipatory grieving" to lead weekly online discussions with climate and global health experts, and engage in mutual aid actions.

The very questions raised by teen strikers over the past year should now resonate as harbingers of our generation's colossal disregard for their well-being and our planet's future.

For starters, how many dire warnings does it take for adults to act — be it an extraordinary letter from 20,000 scientists that "soon it will be too late to shift course away from our failing trajectory, and time is running out" to avert a climate catastrophe and mass extinction, or a "cascade" of early intelligence agency reports in January to White House officials on the threat of a global outbreak of coronavirus?

Why do adults say there is no money or no way to heed scientific calls for a rapid transformation toward a fossil fuel-free electrical grid and transportation system, in order to avoid "deadly and catastrophic heat waves, storms and pollution," when Congress and the White House can quickly agree on a \$2 trillion economic stabilization package that effectively bails out Wall Street?

And why isn't a policy of equity at the heart of a relief package, when the most vulnerable in both crises — whether it is the essential workers on the front lines of health care, the food industry and the agricultural fields — are the very individuals, groups and nations who have the smallest carbon footprint on the planet?

As we deal with the urgent reality of staving off the spread of the coronavirus and dealing with the need for medical equipment, perhaps it's time for adults to start listening to the warning of their climate-concerned kids, instead of the other way around. Our future depends on it.

Jeff Biggers is the author of "Resistance: Reclaiming an American Tradition," forthcoming from Counterpoint in July, among other books.

Politico

"Greens press EPA to require companies to disclose pollution violations"

Alex Guillen

<https://subscriber.politicopro.com/article/2020/04/greens-press-epa-to-require-companies-to-disclose-pollution-violations-3978764>

A coalition of environmental groups today formally petitioned EPA to force companies that fail to comply with environmental requirements due to the coronavirus pandemic disclose that fact promptly to the public.

It follows last week's announcement from EPA it likely would not penalize companies that cannot meet certain requirements because of the measures they are taking to combat the coronavirus pandemic. The petition asks EPA to require companies to provide public, written notice of the noncompliance.

"We fully appreciate the disruption and harm caused by the COVID-19 pandemic. But EPA's unprecedented non-enforcement policy creates a clear opportunity for abuse," the petition said. "The final rule we petition for here is necessary to lessen the health risk that may result from EPA's policy and to mitigate the potential for abuse."

In a statement, EPA spokesperson Andrea Woods said the petition's claims are "false" and not reflective of EPA's guidance, which she said applies to "routine monitoring and reporting requirements."

"The policy does not say that the COVID-19 pandemic will excuse exceedances of pollutant limitations in permits, regulations, and statutes," Woods said. EPA will consider case-by-case whether the pandemic played a role in any noncompliance, she added.

And "in cases that may involve acute risks or imminent threats, or failure of pollution control or other equipment that may result in exceedances, EPA's willingness to provide even that consideration is conditioned on the facility contacting the appropriate EPA region, or authorized state or tribe, to allow regulators to work with that facility to mitigate or eliminate such risks or threats," Woods said.

SAFE

Trump Chides 'Foolish' Car Executives After Easing Mileage Rules

Trump Officials' Clean Cars Rollback to Spark New Court Showdown

Why Trump and California Faced Off Over Auto Rules: QuickTake

The pandemic hasn't stopped Trump's rollback of Clean Car Standards

Critics blast Trump mileage rollback, citing environment and health concerns

Trump defends fuel efficiency rollback as 'helping US autoworkers'

Trump hits brakes on vehicle fuel efficiency

Trump administration rolls back rules on mileage standards, dealing a blow to Obama-era climate policy

Trump Calls New Fuel Economy Rule a Boon. Some Experts See Steep Costs

Court says EPA must reveal auto emissions computer model

SAFE

Bloomberg Environment

"Trump Chides 'Foolish' Car Executives After Easing Mileage Rules"

Ryan Beene & Jennifer Dlouhy

<https://news.bloombergenvironment.com/environment-and-energy/trump-wraps-up-three-year-effort-to-weaken-auto-efficiency-rules>

The EPA gave inaccurate information to Congress about its grant awards, potentially influencing lawmakers' spending and policy decisions, the agency's internal watchdog said Tuesday.

As of September 2019, the Environmental Protection Agency had \$8.3 million in unspent balances for grants that expired one year or more earlier, the agency's Office of Inspector General revealed in a report.

"The real problem is that the money is sitting out there, and it's on expired grants," said Madeline Mullen, the report's project manager, in an interview.

"At the EPA, there are a number of programs with environmental and public health goals," she continued. "If the money is freed up from these old grants, then it can be used for those programs."

The \$8.3 million figure varies by year, Mullen said, and that the EPA has recently been making progress in reducing it. She couldn't provide an overall grant figure. The EPA says on its website that it awards more than \$4 billion annually "for grants and other assistance agreements."

The inaccuracies happened because the agency's Office of Grants and Debarment didn't follow all of the White House Office of Management and Budget's reporting rules, the OIG said. But Mullen said her team didn't find any evidence that EPA "had deliberately misled anyone."

In 2017, the EPA said it had 56 expired grants in one report and 58 in another. The correct number was 64, OIG said.

The next year, the EPA reported again on those findings, this time claiming 24 expired grants in one report and 58 in another. It actually had 32, according to OIG.

The EPA said it would correct its data and develop a standard operating procedure for ensuring the accuracy of its numbers, both by Dec. 31.

Grant Closeouts

The EPA also fell short on the timeliness of its grant closeouts, OIG found. A grant is closed out when the EPA determines that all required work and administrative actions are finished. The agency also assesses whether the grantee met the expected outcomes, and any surplus funds are returned to the EPA.

Some of the agency's regions delayed grant closeouts for several years because they didn't have a means for escalating tough cases to the Office of Grants and Debarment, according to the report.

Late closeouts "diminish the EPA's ability to achieve efficiencies within its grant program, as they require staff's time and effort that could be used to manage active grant awards," the inspector general wrote.

EPA regional staff told OIG that most of the delays were due to workload and staffing issues, according to the report. The agency told investigators it would start enforcing a policy to require closeout strategies from underperforming regions. In response, the watchdog said it didn't agree that "a reminder of guidance that is not being followed will be sufficient."

But the EPA disagreed with a recommendation to develop and implement a policy for escalating problematic cases, saying "elevation mechanisms such as biweekly meetings are already in place." The OIG responded that it didn't consider that resolution adequate.

Members of Congress have recently taken more interest in tracking grants throughout the federal bureaucracy, according to Mullen.

"Congress was noticing that there was a lot of money sitting out there across the government," Mullen said.

Bloomberg Environment

"Trump Officials' Clean Cars Rollback to Spark New Court Showdown"

Ellen Gilmer

<https://news.bloombergenvironment.com/environment-and-energy/trump-officials-clean-cars-rollback-to-spark-new-court-showdown>

The Trump administration's decision to scale back Obama-era standards for fuel efficiency and greenhouse gas emissions in vehicles will set off the most high-stakes legal battle yet over the president's environmental regulatory agenda.

Officials from the Environmental Protection Agency and Department of Transportation on Tuesday unveiled the final piece of a multiyear effort to dismantle their predecessors' clean car standards, which would have required cars to improve efficiency by 5% per year through 2026.

The car standards marked the Obama administration's most ambitious effort to address climate change, but current EPA Administrator Andrew Wheeler said they created "unrealistic regulatory burdens." The Trump administration's replacement rule ratchets down the efficiency targets to 1.5% per year.

Previous steps to undo the Obama-era program prompted a swell of still-unresolved federal lawsuits, and the weakened standards released Tuesday will trigger an all-out legal war, attorneys say.

Here's what to expect.

Who Will Sue?

Environmental groups and California officials already have signaled plans to fight the new standards.

"We're going to do what we need to do," Attorney General Xavier Becerra (D) said during a press conference Tuesday. Existing lawsuits over the first step of the clean cars rollback—the revocation of California's ability to set its own standards—gives a preview of other potential litigants.

Those combined cases are inching along in the U.S. Court of Appeals for the District of Columbia Circuit. Among the petitioners: nearly two dozen states, several cities, California air quality regulators, electric utilities, environmental groups, electric carmakers, and charging infrastructure companies.

On the other side of the case are the Trump administration, a coalition of automakers that includes General Motors Co. and Toyota Industries Corp., and 13 states.

What Are the Arguments?

Litigation is expected to center on two key statutes. The Clean Air Act governs the EPA's role in the standards, while the Energy Policy and Conservation Act applies to the Department of Transportation's National Highway Traffic Safety Administration.

Environmental lawyers say the new standards fall short of the overarching goals of both statutes: reducing harmful pollution and maximizing fuel economy.

"What the agencies are doing here are taking actions that seem to authorize the very harms that the statutes direct them to prevent," Colorado-based Environmental Defense Fund attorney Peter Zalzal said. "That's inconsistent with the statutory charge."

Environmental lawyers were still sifting through hundreds of pages of the rule Tuesday and said it's premature to go into detail on potential legal challenges.

"We are looking at what the best and strongest legal arguments will be," California Air Resources Board Chairwoman Mary Nichols said.

Potential lawsuits also could include claims under the Administrative Procedure Act, National Environmental Policy Act, and Endangered Species Act.

What About Existing Litigation?

The lawsuits filed last year over the Trump administration's decision to eliminate California's ability to set its own auto standards raise different legal issues than the anticipated litigation over the new standards.

The existing cases center on whether the EPA has authority to revoke California's waiver, and whether NHTSA overstepped when it issued a regulation that says federal law preempts California's standards. New litigation will focus on the merits of the new efficiency targets.

That means the cases will likely run on separate tracks in court, and a loss in one won't necessarily affect the other.

What's the Timeline?

New lawsuits are expected in the D.C. Circuit as soon as the new standards are published in the Federal Register, in the coming weeks or months.

Under a normal litigation schedule, both sides would file briefs later this year or in early 2021, and the D.C. Circuit would issue a decision sometime next year.

Trump officials have been eager to litigate their regulatory rollbacks quickly, both to provide certainty to regulated industries and to ensure they can challenge any unfavorable court decisions during the president's first term.

The administration could ask the D.C. Circuit to fast-track the case for speedy resolution.

In the short term, challengers could ask for an immediate freeze of implementation of the new standards by seeking a stay or a preliminary injunction. State and environmental lawyers said it would be premature to say whether they intend to do that.

Bloomberg Environment

“Why Trump and California Faced Off Over Auto Rules: QuickTake”

John Lippert & Ryan Beene

<https://news.bloombergenvironment.com/environment-and-energy/why-trump-and-california-faced-off-over-auto-rules-quicktake>

U.S. President Donald Trump’s administration has completed a three-year quest to dismantle his predecessor’s most concrete environmental achievement: historic fuel-efficiency regulations for cars and light trucks. In 2011, under President Barack Obama, the auto industry agreed to meet stricter targets for fuel economy and carbon dioxide emissions from 2017 to 2025. The Trump administration has now replaced those standards with far weaker requirements through 2026, months after it stripped California of its authority to set tailpipe CO2 limits of its own. Yet while the regulatory attack has been completed, the legal battles will continue for some time, with California leading the fight.

1. What standards are at issue?

The targets agreed to in 2011 call for the Corporate Average Fuel Economy (CAFE) of cars and trucks to rise from 35.5 miles per gallon in 2016 to a projected 51.4 by 2025 (down from an original projection of 54.5 mpg). Tailpipe CO2 emissions are to fall 31% to 173 grams per mile, a level similar to targets set in the European Union, China and Japan. Automakers are assigned corporate averages to meet, under a complex system that accounts for production volumes and the sizes of cars and trucks. If automakers fall short of corporate mpg targets, they face fines. If they miss CO2 standards, they could be barred from selling vehicles entirely.

2. Didn’t the new standards already take effect in 2016?

Technically they did. But a key concession by Obama was to agree to backload many of the increases. That means the manufacturers had to make only gradual improvements for the first decade but face steeply increasing requirements from 2021 to 2025. Automakers have endorsed the need for cleaner cars but say meeting ever-higher standards is proving a tricky task. GM’s redesigned Malibu sedan weighed 300 pounds less and had an engine 40% smaller but got just two more miles per gallon. At the same time, cheaper gas has tilted sales away from fuel-efficient cars. That’s increasing the burden of compliance on big pickups, which accounts for a significant portion of Ford Motor Co.’s profit in North America. In 2014, the company spent more than \$1 billion to retool factories to build aluminum bodies for its F-150 pickup and introduced turbo-charged V-6 engines.

3. What do automakers want?

They say they’re spending more money than the government predicted to comply with the rules. They also want more credits granted for eco-friendly technology like aerodynamic design that can help them meet their targets. In negotiations that led to the rules, Obama agreed to an industry request for a midterm evaluation in 2017, in which regulators would examine whether the costs and benefits of the clean car rules were meeting expectations. In his last days in office, the Obama administration said it had completed the midterm evaluation and no changes were need -- to the chagrin of automakers.

4. How is California involved?

Under an agreement that dates to the creation of the EPA almost 50 years ago, the federal government has repeatedly affirmed that California, which struggles with smog, has a right to craft its own clean-air rules. The state is so big that carmakers try first to comply in California and then use the same designs everywhere else. During the Obama administration, the state agreed to let automakers that hit the new, tougher federal targets automatically comply with the state’s tailpipe carbon dioxide rules. In addition, more than a dozen other states, including New York and Massachusetts, have exercised their option under federal law to adopt clean-air rules that mirror California’s.

5. How much does this matter?

For California, a lot. The auto rules are key to achieving the state’s climate goals. In 2016, California Governor Jerry Brown signed a law to cut California’s greenhouse gas emissions by 40% below 1990 levels by 2030. To do that, some 40% of the state’s auto sales would have to be zero-emission vehicles -- ZEVs -- or gas-electric plug-ins by 2030, up from 3% now, according to staff projections from the state’s Air Resources Board.

6. What was Trump’s plan?

Former Environmental Protection Administration chief Scott Pruitt declared in April 2018 that the fuel-efficiency regulations for cars and light trucks were too stringent and must be revised. The following August, the EPA and

Transportation Department's National Highway Traffic Safety Administration then proposed scrapping steady increases in mileage rules and instead recommended capping them at a roughly 37-mile-per-gallon fleet average after the 2020 model year. That proposal argued that easing mileage standards would reduce vehicle prices and make it easier for consumers to replace older, less-efficient cars with newer, safer vehicles, avoiding thousands of traffic fatalities in the process. It also proposed stripping California's authority to regulate automobile greenhouse gas emissions, an unprecedented move challenging the state's longstanding environmental power. It followed through on that piece of the plan in September 2019.

7. What did Trump do?

In March 2020, amid the global coronavirus pandemic, Trump's agencies finalized replacement standards requiring 1.5% annual mileage improvements through 2026. Those figures were less aggressive than the original proposal but a major relaxation compared to the roughly 5% annual gains required under the Obama-era rules.

8. What was the reaction?

Conservative activists cheered the Trump administration's effort while supporters of the previous rules were -- and still are -- outraged. Environmental advocates have argued the plan will result in cars that spew more carbon pollution. Consumer advocates say any up-front savings on new car prices will be eclipsed by higher fuel costs. Even some automakers have been cool to the approach and some have pushed back more forcefully. Ford, BMW, Volkswagen, Honda and Volvo's U.S. cars unit bucked the Trump administration and agreed to meet voluntary emissions targets set by California that are more stringent than the relaxed federal rules. California along with several other states and environmental organizations have sued the Trump administration to block its attack on the state's authority.

The Hill Opinion

"The pandemic hasn't stopped Trump's rollback of Clean Car Standards"

Jeff Alson

<https://thehill.com/opinion/energy-environment/490431-the-pandemic-hasnt-stopped-trumps-rollback-of-clean-car-standards>

The views expressed by contributors are their own and not the view of The Hill

Life as we knew it has been canceled, but that hasn't stopped the Trump administration from moving forward with its short-sighted plan to roll back automotive emissions standards. Reprehensibly, under cover of the coronavirus pandemic, today Trump's Environmental Protection Agency announced it had finalized a rule, which dismantles regulations that have successfully reduced car greenhouse gas emissions and improved fuel economy.

This destructive action will also hammer the budgets of American families and fatten oil company profits.

As an EPA senior engineer, I worked for over a decade on the development of the agency's previous Clean Car Standards, which were set under President Obama in 2010 and 2012 and have been an economic and environmental success story.

Those standards were designed to require new vehicles, regardless of size, to reduce greenhouse gas emissions every year through 2025. To date, automakers have achieved record sales, consumers have saved more on gasoline than they have spent on emissions-reducing technologies and emissions have dropped.

I can attest that major concessions were made to obtain the support of the auto industry. The automakers wanted separate standards for cars and trucks, and the EPA agreed. The automakers wanted the standards to remain neutral for vehicles of different sizes, and EPA agreed. The automakers wanted the standards to improve more slowly at first and more aggressively later, and the EPA agreed. The automakers wanted credits for emissions-reducing technologies not captured by tests, and the EPA agreed.

The CEOs of General Motors, Ford, FiatChrysler and other automakers hailed the standards; no major lawsuits were filed, which is practically unheard of for such a major regulation. But automakers could not resist the temptation to try to weaken the standards after the 2016 election.

The so-called Safer Affordable Fuel Efficient Vehicles Rule (SAFE) now in effect eviscerates the existing greenhouse gas emissions and fuel economy standards. The previous standards would have required automakers to slowly increase average real-world fuel economy for new vehicles from 28 mpg in 2020 to about 36 mpg by 2025. The new rule reduces the necessary improvement by about two-thirds, to less than 31 mpg in 2025.

The Trump administration rollback will be an environmental and economic disaster. Using the government's own models, the rollback will increase cumulative greenhouse gas emissions by about 1.5 billion metric tons through 2040, which will lead to a hotter and more dangerous planet. Due to less efficient vehicles, consumers will pay \$244 billion more for gasoline over the next 20 years, taking money from their pockets and sending it to oil companies.

The technical analyses behind both the 2018 proposed rule and the final rule were prepared by the National Highway Traffic Safety Administration (NHTSA), which has little fuel economy or auto emissions expertise. It does not have a vehicle test laboratory and has never performed a vehicle fuel economy or emissions test. EPA's internationally recognized laboratory in Ann Arbor, Mich., where I worked for 40 years, has primary expertise in this field.

The 2018 NHTSA analysis was biased and misleading. NHTSA completely cooked the books to get the answers that the White House wanted. The documents were ridiculed by EPA staff (whose world-class expertise was totally ignored by NHTSA and EPA's political leadership), safety experts, academic economists, environmental and consumer groups, and even some automakers.

But perhaps most alarming is that SAFE will not actually make the road safer — as the administration has asserted — to justify the rollback. NHTSA projected that as cars got more expensive, ostensibly due to rising fuel economy, the number of drivers would increase by millions and traffic accidents would go up. In its proposal, the agency estimated the new rules would decrease the number of lives lost in vehicle accidents by 1,000 per year. The administration used this assumption to inflate the costs of stricter fuel economy. In reality, when calculated properly, SAFE could increase traffic deaths and will worsen air pollution and greenhouse gas emissions.

The analysis released with the final rule corrected some of the most egregious elements in the 2018 proposal, but it is still riddled with errors and biases, and repeats preposterous talking points that the cleaner and more efficient cars required by the Obama administration standards would have increased consumer costs and safety risks.

The rule will certainly be challenged in court and it will be up to a judge to determine whether the Trump administration can single-handedly roll back a commonsense and successful regulation without any defensible rationale.

If this and other climate rollbacks are allowed to stand, the tragic upshot will be untold human suffering for our children, grandchildren and billions around the globe as climate change accelerates.

Jeff Alson retired in 2018 after 40 years as a senior engineer and policy adviser at EPA's Office of Transportation and Air Quality. He spent the final 10 years of his career designing and implementing the Obama Clean Car Standards.

The Hill

"Critics blast Trump mileage rollback, citing environment and health concerns"

Rachel Frazin & Rebecca Beitsch

https://thehill.com/policy/energy-environment/490416-critics-blast-trump-mileage-roll-back-citing-environment-health?utm_source=thehill&utm_medium=mobile&utm_campaign=es_recommended_content

Environmental groups and Democratic lawmakers blasted the Trump administration's Tuesday announcement that it would roll back Obama-era fuel efficiency standards, saying that it will worsen air quality and harm public health.

The new standards require automakers to produce a fleet averaging 40 mpg by 2026, rather than the previous requirement under the Obama administration to reach 55 mpg by 2025.

Already, environmental groups have vowed to challenge a rule they see as one of the major climate efforts of the previous administration.

"The Trump administration is once again putting oil industry profits ahead of the American people. Weakening clean car standards will dramatically increase air pollution and harm public health," Earthjustice California staff attorney Paul Cort said in a statement.

"We'll see the Trump administration in court," he said.

The Trump administration has argued that lowering the standards will allow automakers to make less-expensive cars, which they say will save lives and lower prices as consumers upgrade to new vehicles with better safety features.

"Millions of new vehicles will now be more affordable to consumers, more will be sold, and this will be good for the economy as well. I think also reflects the department's No. 1 priority, which is making cleaner, safer vehicles that are more affordable for Americans," Transportation Secretary Elaine Chao told reporters when announcing the rule.

But Sen. Tom Carper (D-Del.) sees a regulation that "will not deliver safer, more affordable and environmentally-friendly vehicles for American consumers. In fact, it does the exact opposite, and fails to provide any demonstrable benefit to American consumers, industry or the environment whatsoever."

Sierra Club Executive Director Michael Brune told reporters the Trump policy was both the administration's biggest reversal on climate action as well as the "biggest payout to the oil industry that we've seen so far."

"The clean car standards are the best policies that we have on the books to fight the climate crisis," he said. "They protect public health, they save communities money at the pump."

The American Lung Association also raised concerns about the effect the changes could have on the health of vulnerable populations.

"Cleaner, more efficient vehicles and electric vehicles are key to safeguarding our most vulnerable, including children, older adults and people living with chronic diseases, who will suffer the impacts of climate change the most," said the association's president and CEO, Harold P. Wimmer, in a statement.

"Failing to act on climate change now will have major consequences for our health today and for future generations," Wimmer said.

Maya Golden-Krasner, the Center for Biological Diversity's climate deputy director and senior attorney, similarly said in a statement that the rollback will cause people to "choke on smog."

"It's shameful that Trump officials pushed this through during a viral pandemic that preys on people with asthma and other health problems linked to dirty air," she said.

Automakers have had a complicated relationship with both the Trump and Obama administration as they pursue changes to mileage standards.

Big automakers had argued the Obama-era standards were too ambitious, leaving them at risk of being unable to meet the ultimate 55 mpg fleet-wide goal.

But the figures from the Trump administration fall below what the industry says it can achieve.

The Trump rule requires 1.5 percent year-over-year improvements in mileage, compared to 5 percent under the Obama administration. The auto industry has said it could improve fuel efficiency by 2.4 percent each year even without regulation.

"The auto industry has consistently called for year-over-year fuel economy and greenhouse gas improvements that also recognize that the standards originally developed almost a decade ago are no longer appropriate in light of shifting market conditions and consumer preferences," the Alliance for Automotive Innovation, the auto industry trade group, said in a statement, nodding to interest in SUVs.

"The greatest opportunity for environmental benefits will happen as we look to longer-term policies beyond 2026."

But in the short term, some worry lower standards will hurt, rather than help, the struggling industry.

Rep. Debbie Dingell (D-Mich.) said that the changes would spur less innovation and make the U.S. less competitive in the global marketplace.

"Around the world, countries are setting aggressive standards," Dingell said in a call with reporters. "We have to stay at the forefront of innovation technology that's going to help us transition to the next generation of more fuel-efficient vehicles."

Those less aggressive standards could also make the rule more vulnerable to legal challenge.

The law requires the National Highway Traffic Safety Administration (NHTSA), which helped write the rule, to set the maximum standard that's feasible for automakers.

"Under the Energy Policy and Conservation Act, NHTSA's charge is to conserve energy and reduce fuel consumption, and the rollback does the opposite," said Elaine Meckenstock, a deputy attorney general with the California Department of Justice.

Republicans, meanwhile, praised the effort as a cost-saving measure for consumers.

"The old rule would limit consumer choice and increase the cost of purchasing a vehicle. Washington must consider what is best for the whole country. The government shouldn't make rules that work in cities but not in rural communities," Sen. John Barrasso (R-Wyo.) said in a statement.

Similarly, in a joint statement Reps. Greg Walden (R-Ore.), John Shimkus (R-Ill.) and Cathy McMorris Rodgers (R-Wash.) praised the rule as striking "the right balance between reducing harmful greenhouse gas emissions and lowering the cost of new vehicles for consumers."

The Hill

"Trump defends fuel efficiency rollback as 'helping US autoworkers'"

Rebecca Beitsch

https://thehill.com/policy/energy-environment/490463-trump-defends-fuel-efficiency-rollback-as-a-help-to-us-autoworkers?utm_source=thehill&utm_medium=mobile&utm_campaign=es_recommended_content

President Trump defended his rollback of Obama-era auto industry mileage standards amid a wave of criticism Tuesday, saying his administration "is helping U.S. autoworkers."

"My Administration is helping U.S. auto workers by replacing the failed Obama Emissions Rule. Impossible to satisfy its Green New Deal Standard; Lots of unnecessary and expensive penalties to car buyers!" Trump tweeted Tuesday.

My Administration is helping U.S. auto workers by replacing the failed Obama Emissions Rule. Impossible to satisfy its Green New Deal Standard; Lots of unnecessary and expensive penalties to car buyers!

— Donald J. Trump (@realDonaldTrump) March 31, 2020

The Obama-era standards Trump criticized were finalized in 2012, long before the Green New Deal became part of the lexicon, but those standards did face resistance from some automakers who said they would be too difficult to achieve. The Trump rule would require automakers to produce a fleet averaging 40 mpg by 2026, rather than the previous requirement to reach 55 mpg by 2025.

Environmental and consumer groups have slammed the proposal, saying the increase in emissions from vehicles will be bad for public health and the environment, while less fuel efficiency will cost consumers more than they will save. But while automakers balked at the Obama standards, the industry has likewise said it could produce more fuel conscious vehicles than what Trump requires.

The Trump rule requires 1.5 percent year-over-year improvements in mileage, compared to 5 percent under the Obama administration. The auto industry has said it could improve fuel efficiency by 2.4 percent each year even without regulation.

Trump later chastised auto executives, seemingly irritated for not getting more buy-in for his proposal.

“My proposal to the politically correct Automobile Companies would lower the average price of a car to consumers by more than \$3500, while at the same time making the cars substantially safer. Engines would run smoother. Positive impact on the environment! Foolish executives!” he tweeted.

My proposal to the politically correct Automobile Companies would lower the average price of a car to consumers by more than \$3500, while at the same time making the cars substantially safer. Engines would run smoother. Positive impact on the environment! Foolish executives!

— Donald J. Trump (@realDonaldTrump) March 31, 2020

Trump has repeatedly suggested his rule will lower the cost of a vehicle by \$3,500, but analysis from both the Department of Transportation and the Environmental Protection Agency show the average vehicle price to be reduced by \$1,400.

The Alliance for Automotive Innovation, a major auto industry group, offered little comment on the Trump standards, instead critiquing those of the last administration.

“The auto industry has consistently called for year-over-year fuel economy and greenhouse gas improvements that also recognize that the standards originally developed almost a decade ago are no longer appropriate in light of shifting market conditions and consumer preferences,” the Alliance for Automotive Innovation, the auto industry trade group, said in a statement, nodding to interest in SUVs.

“The greatest opportunity for environmental benefits will happen as we look to longer-term policies beyond 2026,” it added.

The administration has argued the reduction in vehicle prices will spur consumers to upgrade to new vehicles that use less gas than many models on the road.

“Get rid of those old, unsafe clunkers,” Trump tweeted.

Politico

“Trump hits brakes on vehicle fuel efficiency”

Alex Guillen & Zack Colman

<https://subscriber.politicopro.com/article/2020/03/31/trump-to-hit-brakes-on-vehicle-fuel-efficiency-1269655>

The Trump administration announced on Tuesday it will backpedal on fuel efficiency targets for the nation’s fleet of cars and small trucks, easing the rules for the nation’s biggest greenhouse gas-emitting sector.

The rule will cause drivers to spend more on gasoline than they would save on cheaper cars, according to the administration’s own analysis, but automakers will save billions of dollars compared to what they would have spent to comply with Obama-era requirements. More lives will be lost to air pollution-related health problems, although the administration says those deaths are outweighed by fewer traffic fatalities as people switch to newer, safer cars and trucks. And almost a billion more tons of planet-warming carbon dioxide will go into the atmosphere, while oil consumption rises by nearly 2 billion barrels over the vehicles’ lifetimes.

The rule will require automakers to improve their fuel efficiency at a rate of 1.5 percent per year through model year 2026, well below the 5 percent gains required under the prior rule. That means new cars and light trucks will average about 40.4 miles per gallon in 2026, compared to 36.8 mpg EPA says they get today. The Obama rule was projected to increase average fuel economy to 46.7 miles per gallon in real-world terms by 2025.

The regulation will reduce total costs by \$200 billion compared to the Obama rule through model year 2029 vehicles, half of which comes via reduced "regulatory costs," according to EPA and the National Highway Traffic Safety Administration. The agencies project automakers will sell an additional 2.7 million cars and trucks over the next decade because of the rollback.

"This rule involves a number of competing considerations and the balance we've struck we believe is the correct one, the best one for the country as a whole," NHTSA Acting Administrator James Owens told reporters.

Overall, the rule has a net cost of \$13 billion to \$22 billion at a 3 percent discount rate, according to EPA's analysis. At a higher 7 percent discount, the rule has net benefits of \$6 billion to \$16 billion.

EPA and NHTSA also considered a new "implicit opportunity cost" that officials said for the first time attempted to quantify the lost money consumers could now spend on things like retirement savings or a down payment for a home instead of more expensive fuel-efficient vehicles. Owens said the cost came out to a "\$50 billion difference." However, it ultimately was not included in the baseline justification of the rule.

The Trump administration said the rule would shave \$1,000 off the sticker price of new cars and avoid 3,300 on-road fatalities. But the agencies estimate that consumers will pay more than those savings by purchasing between \$1,125 and \$1,425 more in gasoline for the less-efficient vehicles. ([Reg. 2060-AU09](#))

On top of that, between 440 and 1,000 people would die prematurely due to increased air pollution over the next 40 years, according to the agencies. EPA air chief Anne Idsal downplayed that figure, saying it works out to between 16 and 21 "statistical lives" per year and arguing that the model "frequently" overestimates how many lives are saved from pollution reductions.

"Cherry-picking these numbers is not beneficial to the regulated community [or] to consumers," Idsal said.

Critics of the rule said the Trump administration was vastly underestimating premature deaths that would result from higher air pollution. Chet France, EPA's former director of assessment and standards at the Office of Transportation and Air Quality who now consults with the Environmental Defense Fund, said the agencies incorrectly assumed additional oil would come from overseas and therefore wouldn't be refined in the U.S., which would boost harmful air pollution. A more accurate assessment would conclude the new rule would amount to 18,500 such fatalities between 2021 and 2050, compared to the Obama rule.

"It's much higher, by the way. Orders of magnitude higher. They ignored that," he said of the administration's projection for premature deaths.

The rule would also amount to consuming up to an additional 2 billion barrels of oil and up to 923 million metric tons of carbon dioxide emissions — the annual emissions equivalent of nearly 200,000 passenger vehicles — compared with the Obama rule.

The agencies said in their analysis that there are "diminishing returns" from fuel economy standards, arguing more aggressive targets become comparatively more expensive due to higher technology costs. They did not address the benefits of reducing absolute greenhouse gas emissions that would come with those rising fuel economy standards.

"Standards that increase at 1.5 percent per year represent a reasonable balance of additional technology and required per-vehicle costs, consumer demand for fuel economy, fuel savings and emissions avoided given the foreseeable state of the global oil market and the minimal effect on climate between finalizing 1.5 percent standards versus more stringent standards," the rule said.

The agencies argued that lowering the average sticker price by less than 3 percent still amounts to a big difference for consumers even if they don't purchase a new car because it will also lead to a better selection of used cars being available.

Former President Barack Obama slammed the rule and the timing of its release during a coronavirus pandemic that has rattled the global economy.

"We've seen all too terribly the consequences of those who denied warnings of a pandemic. We can't afford any more consequences of climate denial. All of us, especially young people, have to demand better of our government at every level and vote this fall," he said in a [tweet](#).

Meanwhile, environmental groups immediately turned to legal challenges.

"We'll be seeing the Trump administration in court," said former EPA chief Gina McCarthy, now the president and CEO of the Natural Resources Defense Council.

Automakers, some of whom recently [relied on banked emissions credits to stay in compliance with regulations already in effect](#), lobbied the administration to soften the Obama targets to avoid millions of dollars in noncompliance penalties for failing to meet future marks.

But the looming legal challenge surrounding the rule, which stems from what opponents call a flawed process, could leave manufacturers in limbo for months — even as they prepare the factory floor to churn out new models that are supposed to meet the freshly issued standards.

John Bozzella, CEO of industry group Alliance for Automotive Innovation, said in a statement that his organization is “carefully reviewing” the rule.

“The auto industry has consistently called for year-over-year fuel economy and greenhouse gas improvements that also recognize that the standards originally developed almost a decade ago are no longer appropriate in light of shifting market conditions and consumer preferences,” he said in a statement.

Environmentalists and congressional Democrats have suggested the administration fouled the rulemaking process with questionable assumptions.

“The administration’s imminent rollback of our successful Clean Car Standards will add more dangerous pollution to our air, making Americans sicker and ultimately causing thousands of premature deaths,” EDF President Fred Krupp said in a statement. “Its own analysis shows it will cost tens of thousands of jobs, and it will significantly increase the cost of driving at a time when Americans cannot afford to spend more on gas.”

Washington Post

“Trump administration rolls back rules on mileage standards, dealing a blow to Obama-era climate policy”

Michael Laris & Ian Duncan

https://www.washingtonpost.com/local/trafficandcommuting/trump-administration-rolls-back-rules-on-mileage-standards-dealing-a-blow-to-obama-era-climate-policy/2020/03/31/cb42cbb8-7359-11ea-87da-77a8136c1a6d_story.html

The Trump administration released its far-reaching rollback of Obama-era tailpipe pollution standards Tuesday, describing the new looser rules as reflecting its “largest deregulatory initiative” yet.

Instead of improving fuel efficiency by about 5 percent a year, the new standards require a 1.5 percent annual improvement through model year 2026, which will result in sharp increases in greenhouse gas emissions.

An earlier draft of the rollback envisioned freezing the standards, requiring no improvement in fuel efficiency in those years. But following broad pushback, including from environmental experts as well as some carmakers, administration officials said they opted to require modest gains in efficiency.

James C. Owens, acting administrator of the National Highway Traffic Safety Administration, which spearheaded the rulemaking effort, said the final proposal was changed to incorporate more than 750,000 public comments.

Academic experts and advisers to the federal government had called the administration’s analysis into question, pointing to errors and faulty assumptions.

Owens said “significant changes were made to the analysis” after considering “hundreds of highly technical comments.”

Trump administration to finalize weaker mileage standards, dealing a blow to Obama-era climate policy

Administration officials asserted that the rule would lead to 3,300 fewer traffic fatalities over the lives of the cars built with the new standards, arguing that more people would get into newer, safer cars because they would be more affordable. An earlier draft had projected the weaker rules could save 12,700 lives over the coming decades, but the assumptions in those calculations were widely assailed.

The claimed potential for lower traffic deaths under the new rules also does not account for increases in deaths due to illnesses from greater pollution. The rule projects between 440 and 990 premature deaths would occur due to air pollution during that same period, though Environmental Protection Agency officials said the number may be slightly lower.

“Today, President Trump is keeping his promise to autoworkers made three years ago that he would reinvigorate American auto manufacturing by updating costly, increasingly unachievable fuel economy and vehicle CO2 emissions standards,” Transportation Secretary Elaine Chao said in a statement.

But Rep. Debbie Dingell (D-Mich.), who represents a district with a heavy auto industry presence, said the rules will cause “serious and detrimental harm to an industry that needs certainty.”

Experts question logic of Trump administration’s claim that low gas mileage saves lives

“The Administration’s inability to work with all stakeholders to develop a consensus proposal will cause more uncertainty and chaos for an industry recently turned on its head by the COVID-19 epidemic,” Dingell said in a statement, adding that more litigation is sure to follow.

Officials in California, which sets higher fuel-efficiency standards shared by many other states, said the new rules would not accomplish what the administration claims they will.

In a statement from the office of Attorney General Xavier Becerra (D), who has helped lead legal challenges to the administration rollback, California officials said the rule will “fail to increase fuel economy.” That’s because the industry is already making improvements “on their own at 2 percent without the rule,” the statement said. They also wrote that the rule “will not save lives” and “is a wash at best. Increased air pollution will likely take more lives than the plan purports to save.”

Becerra said the rules violate federal law and the state is prepared to take legal action.

In the 1,975-page rule itself, the agencies billed the changes as “gradual, tough, but feasible,” saying they “take into account real world performance, shifts in fuel prices, and changes in consumer behavior toward crossovers and SUVs and away from more efficient sedans.”

The rule contains a kind of environmental paradox: Because consumers are not flocking to fuel-efficient vehicles, the EPA concluded it would be unfair to hold automakers to higher fuel-efficiency standards.

The result, by the agency’s own analysis, is that the new standards would lead to an additional 2 billion barrels of fuel being burned in coming years. That amounts to as much as 923 million more metric tons of carbon dioxide being emitted, and is equivalent to the emissions from running 237 coal power plants for a year, according to the EPA’s online calculator.

Nonetheless, the agencies concluded that the changes were justified.

The EPA said it considered low fuel prices and consumers’ interest in less fuel-efficient SUVs as reasons for lowering the fuel-efficiency targets, questioning whether automakers would have struggled to meet the existing standards in time based on what their customers want.

“Consumer demand, and willingness to pay for technology that reduces CO2 emissions and improves fuel economy, has not matched required standards — which is one of the reasons that EPA is revising the standards today,” the agency wrote.

State officials in Colorado criticized the final rule, echoing concerns that the 1.5 percent annual increase in standards does too little to nudge the industry toward progress. That figure “is lower than the average actual increases in efficiency achieved per year since the Bush Administration,” Colorado officials said in a statement.

While Ford and a group of other automakers reached a compromise with California last year to follow higher standards than required by Washington, some other carmakers, including General Motors, sided with the Trump administration in its fight over the state’s approach.

A GM spokesman did not answer questions on whether the rules would prompt more sales and safer roads, as administration officials argue. The maker of the Chevrolet Bolt EV instead reiterated its call to buttress spending on a national incentives program to promote sales of millions more electric vehicles and to support U.S. battery makers.

“The best way to remove automobile emissions from the environmental equation is an all-electric, zero emissions future,” according to the statement.

In a tweet Tuesday, Trump knocked “foolish executives” from “politically correct Automobile Companies.” He asserted the changes would lower car prices “by more than \$3500” and have a “positive impact” on the environment, while “making the cars substantially safer.” Those claims are inaccurate or contradicted by information released by his agencies. The Transportation Department says Trump’s rule would cut car prices by “about \$1,000.” Lowering the standards will add pollution, not make it better. And the administration rule does not govern the safety of automobiles. Owens said the new rules, as mandated by Congress, reflected a careful weighing of economic, technological, conservation and safety considerations, not “the very narrow case of just fuel economy.”

“This is not politics, this is policy,” Owens said, adding that officials are “prepared to defend the rule” in court.

Former vice president Joe Biden and Sen. Bernie Sanders (I-Vt.) would both jettison the Trump rollbacks if elected president, as part of what they said would be more ambitious environmental measures

Juliet Eilperin contributed to this report.

New York Times

“Trump Calls New Fuel Economy Rule a Boon. Some Experts See Steep Costs.”

Coral Davenport

<https://www.nytimes.com/2020/03/31/climate/trump-pollution-rollback.html?searchResultPosition=3>

WASHINGTON — The Trump administration on Tuesday announced a new rule on automobile fuel efficiency, completing the president’s rollback of Obama-era standards and gutting the federal government’s most important climate change policy.

President Trump lauded the measure, which his administration called the single largest deregulatory initiative of his tenure. He said on Twitter that the move would save lives, lift the economy and help the auto industry. Some of the data in the administration's own analysis of the rule, however, does not support those claims. For example, the analysis found that the new rule, when fully in place, could impose an overall cost on the economy of up to \$22 billion. It found that, despite saving money on the initial sticker price of a less-fuel-efficient new car, individual motorists could end up spending about \$500 more on gasoline over the life of the vehicle. And it concluded that the rule would lead to the loss of roughly 13,000 jobs in the auto industry in a single year, model year 2029. Critics of the rule vowed to use the numbers in the administration's analysis against it in a legal fight against the rule. Already, multiple states are preparing to file a joint lawsuit against the rollback in what is expected to ultimately become a landmark case before the Supreme Court.

The Trump rule rolls back a 2012 standard, put in place by the Obama administration, that had required automakers to cut planet-warming tailpipe pollution by selling vehicles that reach an average fuel economy of about 54 miles per gallon by 2025, replacing that with a standard of 40 miles per gallon. That would require automakers to increase the average fuel economy of passenger vehicles by 1.5 percent annually, compared with the 5 percent annual increase required by the Obama rules, and the roughly 2 percent annual increase that they had achieved absent any regulations.

The heads of the Transportation Department and the Environmental Protection Agency, which jointly wrote the new rule, gave a full-throated defense of the measure on Tuesday morning. "This rule will save hundreds of billions of dollars in regulatory costs over the next decade, and it will save thousands of lives," said Elaine Chao, the transportation secretary. "This means millions of new vehicles will be more affordable to consumers, more will be sold, and this will be good for the economy, as well."

Andrew Wheeler, the E.P.A. administrator, said that the economic and societal benefits of the rule would outweigh the costs and result in "thousands of lives saved."

Mr. Wheeler cited several numbers from his agency's 2,673-page analysis of the rule, saying the measure would lead to 3,300 fewer fatalities and 46,000 fewer hospitalizations after crashes over the lifetime of vehicles through model year 2029. He said that consumers would see a \$1,400 reduction in the total cost of owning a new vehicle, even counting the higher total fuel costs, and that the rule would lead to 2.7 million additional new vehicles being sold thanks to increased affordability.

The administration's analysis said the job losses predicted for model year 2029 could be offset elsewhere in the economy as car companies used the money they would no longer have to spend on cleaner technology. "The \$15 billion in avoided required technology costs can be invested by manufacturers into other areas, or passed on to consumers," the document says. "Moreover, consumers can either take those cost savings in the form of a reduced vehicle price, or used toward the purchase of specific automotive features."

Over all, outside experts said that Mr. Wheeler's rosy numbers did not represent a full and accurate accounting of the costs of the rule. "They are monkeying around with the numbers and the benefits, undermining a four-decade commitment to on-the-level cost-benefit analysis that has been in place since the Reagan administration," said Michael Greenstone, an economist at the University of Chicago who served on Mr. Obama's Council of Economic Advisers.

As an example, other experts pointed to the fact that, in the administration's own analysis, the overall economic impact of rolling back the auto rule could range from a net cost to the economy of \$22 billion to a net benefit of \$6.4 billion. That wide range comes from using two different variables in an economic calculation known as the discount rate. Using a 3 percent discount rate, which would place a high value on lost benefits like improved public health from cleaner air, the new Trump plan would cost the economy \$22 billion. Under a 7 percent discount rate, which would place a low value on those benefits, the rule would create a net economic benefit of \$6.4 billion.

Analysts said those calculations demonstrated that the rule was likely to be more costly to society. "It is highly unusual to emphasize the 7 percent discount rate — typically we always did calculations with the 3 percent discount rate," said Margo Oge, a former top official in the E.P.A.'s vehicle emissions program. "That is more representative of the way the federal government does these calculations."

Politico

"Court says EPA must reveal auto emissions computer model"

Alex Guillen

A federal appeals court ruling may provide environmentalists a leg up in their legal fight against the Trump administration's rollback of auto emissions standards, just one day after the Trump administration finalized it. EPA must disclose the key algorithms at the heart of its so-called OMEGA model, a complex computer program that simulates how automakers will react to various greenhouse gas standards, a three-judge panel of the U.S. Court of Appeals for the 2nd Circuit ordered today.

The Natural Resources Defense Council had asked EPA for the latest copy of the "core" model, which is tweaked regularly, because they believed it would show the Obama-era standards were attainable at lower costs than had first been thought. The Trump administration did not use the OMEGA model to analyze its rollback of those standards released on Tuesday (Reg. 2060-AU09).

Today's ruling reversed a district court judge's prior ruling that allowed EPA to withhold the document.

The OMEGA model is not a deliberative document exempt from the Freedom of Information Act because it more like a "specialized calculator" that would not reveal internal agency decision-making. Instead, the assumptions and data EPA input into the model would be the real reflection of agency deliberations, the court said.

"The release of the core model could, at most, reveal the various analytical tools EPA has at its disposal. It would not explain the factors that prompted development of a tool, nor would it expose rationales cutting against or in favor of its use," it wrote.

EPA said it is reviewing the decision.

Water

Suit Claims EPA-Approved Rules Put Montana Waterways at Risk

EPA Approval Voids Montana Water Quality Standards, Suit Says

Water

Courthouse News Service

"Suit Claims EPA-Approved Rules Put Montana Waterways at Risk"

Nathan Solis

<https://www.google.com/amp/s/www.courthousenews.com/suit-claims-epa-approved-rules-put-montana-waterways-at-risk/amp/>

Montana rivers and waterways are in store for toxic algae blooms thanks to the Trump administration's rollback on water quality standards, according to an environmental group's federal lawsuit filed on Tuesday.

In February, the U.S. Environmental Protection Agency approved what the Upper Missouri Waterkeeper organization calls in their complaint a "Poison Pill" variance that does not comply with the federal Clean Water Act.

The nonprofit environmental advocacy group argues the new variance sidesteps science-based nutrient water quality standards that are in place to protect Montana waters.

Nutrient pollution arrives in waterways from various sources, including factory farm runoff, sewage plants, and agricultural and urban runoff.

In 2016, the Upper Missouri Waterkeeper sued the EPA over its unscientific practice of measuring pollution in waterways. In July 2019, a federal judge agreed that the EPA could not guarantee any compliance with science-based criteria in its nutrient variances.

The court ordered the Montana Department of Environmental Quality to provide the federal agency with revised rules that were in line with recommendations made by the Waterkeeper group.

The state of Montana submitted those revised rules but the EPA balked at the revisions and instead approved several updates that cancelled out the state's existing science-based water quality criteria, the Upper Missouri Waterkeeper says in their complaint.

The nonprofit group dubbed these provisions a "Poison Pill" as it would undo important science-based checks from the pollution permitting process.

"EPA's approval of the Poison Pill cites to no new evidence or record of support for its action," the group states in its 16-page complaint. It says that, with the new nutrient standards, algae, bacterial and plant growth will sap out oxygen from waterways and kill fish and other wildlife.

"This can create toxic conditions for wildlife and humans, and causes severe habitat and aesthetic degradation in affected waters," the complaint states.

The Upper Missouri Waterkeeper seeks oversight from the U.S. District Court for Montana under the Administrative Procedure Act.

The group calls the EPA's approval of the poison pill variance "contrary to the evidence and arbitrary and capricious" and contends it violates existing water quality standard laws.

In a February 24, 2020 [letter](#) announcing its decision an EPA administrator wrote that the agency's action is "based on the more prescriptive language in the court's various orders" and that it disapproved the Montana Department of Environmental Quality's revisions to the nutrient variance for mechanical plants and lagoons because the revisions do not comply with the Clean Water Act "as interpreted by the district court's orders."

The EPA argues the district court's orders require a reasonable timeline that "begins with the relaxed criteria of the Current Variance Standard and leads to compliance" with Montana's water quality standards.

The Upper Missouri Waterkeeper group is represented by Jenny Harbine from Earthjustice.

The EPA did not immediately respond to a request for comment on the allegations made in the complaint.

Bloomberg Law

"EPA Approval Voids Montana Water Quality Standards, Suit Says"

Maya Earls

<https://news.bloombergenvironment.com/environment-and-energy/epa-approval-voids-montana-water-quality-standards-suit-says>

The U.S. Environmental Protection Agency's approval of a "poison pill" in a Montana law that effectively voided the state's water quality standards for nutrient pollution that contributes to toxic algal blooms violates the Clean Water Act and is arbitrary and capricious under the Administrative Procedure Act, an environmental group says in a new federal lawsuit.

Upper Missouri Waterkeeper alleges that Montana has acknowledged nitrogen and phosphorus as the most problematic types of pollution in state waters. Unhealthy levels of the chemicals, in addition to changing precipitation and land use patterns, have rendered dozens of waterways unfishable, unswimmable, and otherwise unsuitable for recreation, the group says in the suit filed Tuesday in the U.S. District Court for the District of Montana.

Montana sent nutrient water quality criteria to the EPA for approval that set standards for phosphorus not to exceed 25 or 150 micrograms per liter, depending on the ecoregion. Nitrogen standards were not to exceed 275 or 1300 micrograms per liter.

The state included a "poison pill" in the law, which voided the numeric standards and left only general ones if the EPA disapproved or a court declared a portion of the water quality standards invalid.

The EPA approved the nutrient water quality standards and a revised variance in 2017, but the Montana federal district found the variance contrary to the CWA in a 2019 [ruling](#). Montana revised the variance and resubmitted it to the EPA for approval, but the agency instead approved the poison pill.

But that approval didn't address the data supporting the need for numeric standards, and didn't explain how the poison pill would protect designated uses of state waters, in violation of the CWA, according to the lawsuit. The approval only says it's "within a state's discretion to insert a poison pill nullification or revocation of water quality standards."

Upper Missouri Waterkeeper said in a press release that the agency's action represents "an illegal attempt to excuse" the state from "implementing its strong science-based criteria in pollution permits."

Causes of Action: Clean Water Act; Administrative Procedure Act.

Relief: Declaratory relief; an order vacating EPA's approval of Montana's poison pill; attorneys' fees and costs.

Response: The EPA hasn't responded to a request for comment.

Attorneys: Earthjustice Legal Defense Fund represents Upper Missouri Waterkeeper.

The case is [Upper Missouri Waterkeeper v. EPA](#), D. Mont., No. 4:20-cv-00027, 3/31/20.

U.S. Environmental Protection Agency
202 564 4318
Sullivan.Melissa@epa.gov

Message

From: Woods, Andrea [Woods.Andrea@epa.gov]
Sent: 4/22/2020 5:20:23 PM
To: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]; Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]
CC: Johnson, Taylor [Johnson.Taylor.C@epa.gov]
Subject: Washington Examiner: Liberal media gives Trump EPA head Andrew Wheeler a bad rap

Sir,

Your interview with Brad Polumbo is up. I'm still waiting on clips for one of your interviews from this morning, but I will send a complete package of your Earth Day interviews later on this afternoon.

Washington Examiner

Liberal media gives Trump EPA head Andrew Wheeler a bad rap

By Brad Polumbo

April 22, 2020

<https://www.washingtonexaminer.com/opinion/epa-administrator-andrew-wheeler-gets-a-bad-rap-from-liberal-media>

Liberal journalists routinely describe Environmental Protection Agency Administrator Andrew Wheeler as a “former coal lobbyist” and “climate change denier,” suggesting that he is destroying the EPA from within and in cahoots with big business. But this narrative is essentially wrong and misleading on all counts.

I interviewed Wheeler recently to discuss how his agency was marking the 50th anniversary of Earth Day and his tenure more broadly. I encountered a very different man than the one you'd read about in the *New York Times*.

“When Earth Day began in 1970, Americans faced a drastically different environment than we do today,” Wheeler said. “I am proud of the work our nation has done, and continues to do, to be a leader in clean air and clean water progress.”

Our conversation led me to ask the administrator about the most common criticisms leveled against him.

He explained that perhaps the most frustrating one is the way liberal media outlets always introduce him as a “former coal lobbyist.” This is an example of something that is technically true but extremely misleading.

Wheeler was, for just over eight years, an energy lobbyist. Among his many clients were nuclear power companies and, yes, coal companies and workers. But the decision made by liberal journalists to only highlight *coal* in their descriptor is undoubtedly an intentional and political one.

So, too, when “former coal lobbyist” is used as the only descriptor to introduce the administrator, this ignores Wheeler's arguably much more relevant stint at the EPA early in his career and several decades of work in Congress on environmental issues. Lobbying was one job he held for a small part of his long career in environmental policy. (For what it's worth, Wheeler's qualifications are rather impressive: He holds not just a bachelor's degree in science but also a law degree and an MBA).

Something tells me that a similar EPA head appointed by a Democrat, who had once worked as an energy lobbyist with solar as a client, would instead be described by the liberal media as a “career public servant” and “veteran legislative expert.”

We also discussed Wheeler's alleged “climate change denial,” which is simply not a thing. He does believe man-made climate change is real, he does want to reduce carbon emissions, and he strongly supports nuclear power — the most

efficient, emissions-free power source available and one that, bizarrely, many Democrats oppose despite claiming to believe in global warming.

Wheeler did stress that he doesn't believe climate change is the "existential threat" Rep. Alexandria Ocasio-Cortez makes it out to be when she says we're all going to die in 12 years — or, at least, if we don't destroy our economy in the next 10 years.

The administrator also explained that, for him, the most important environmental issue right now is clean water, not climate change. On a global basis, nearly 1 million people still die every year from the lack of access to safe drinking water. (And Flint, Michigan, shows this isn't just an international issue, but still one here as well).

Wheeler was not denying climate change, of course, but it is not his top priority. If liberal journalists want to argue that Wheeler doesn't take climate change seriously enough, isn't adequately focusing on it, or doesn't support the appropriate climate change policies, this might provide the occasion to do so. It's at least a fair question to debate. But it's simply a lie to label Wheeler a "climate change denier." This is an example of how the charge becomes a bad-faith smear upon anyone who isn't googly eyed at the "Green New Deal."

Examples of this bad-faith coverage of Wheeler and his EPA abound in the policy arena as well.

Take, for example, the administration's "Strengthening Transparency in Regulatory Science." It's a complicated rule, but essentially, it would require that the EPA only use studies in their policymaking for which the data is made publicly available and transparent — not secret. As for the chorus of privacy and methodological concerns raised, Wheeler said researchers can adjust the way they do studies, and data can be anonymized. He also pointed out that the rule allows EPA to make exceptions when necessary.

"Our regulations will be better understood on both sides," Wheeler told me. "I really see it as an open government proposal ... getting data out there for people to look at."

This eminently reasonable suggestion that the federal government does not blindly make rules based on secret data has been met with a shriek from the liberal media, which has implicitly and explicitly deemed it an assault on science. Wheeler complained that critics are misleadingly calling it the "secret science rule" when, if anything, it's really the opposite. The agency is still taking comments and working on the final draft of the rule, but most of the engagement has been made in bad faith.

"When finalized, the science transparency rule will ensure that all important studies underlying significant regulatory actions at the EPA, regardless of their source, are available for a transparent review by qualified scientists," Wheeler said.

And while Wheeler's EPA has indeed played a role in the Trump administration's broader pro-growth deregulatory agenda, the administrator also stressed to me the key pro-environment work they've done.

For instance, he pointed out that, last year, they cleaned up more contaminated Superfund sites than in any year since 2001. He touted the work they've done pairing the GOP tax bill's economic "opportunity zones" with EPA-sponsored Brownfield grants to promote environmental cleanup. (For some *completely unknown* reason, these accomplishments made it into almost none of the news reports I reviewed while preparing for our interview.)

In our interview, Wheeler certainly didn't come across as the anti-government fanatic that the liberal media makes him out to be. While dedicated to promoting efficiency in the EPA and open to downsizing it, the administrator actually cited as his biggest concern the agency's inability to retain employees for more than a few years. (This is due in part, he said, to millennials' flighty job habits.) That's not exactly a telling sign of someone hell-bent on abolishing the EPA from within.

This disconnect between liberal media coverage and reality spreads throughout Wheeler's tenure at EPA. It surely can't be good for democracy to have so many people relying on a deeply distorted portrayal of their government for basic information.

Andrea Woods

Deputy Press Secretary

U.S. Environmental Protection Agency

Office of Public Affairs

202-564-2010

Message

From: Coxen, Carrie [coxen.carrie@epa.gov]
Sent: 5/26/2020 12:34:39 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
CC: Garvey, Megan [garvey.megan@epa.gov]; Scott, Corey [scott.corey@epa.gov]; Eng, Connie [Eng.Connie@epa.gov]
Subject: DOUG'S INTERNAL TUESDAY, MAY 26TH CALENDAR AND MATERIALS
Attachments: Tracking 13 Priority Rules as of 5.22.20.xlsx; 05.26.2020 Associate Deputy Administrator - OP Check in.docx; SES Performance Plan FY 2020_M Walker.docx; Kurt Thiede R5_2020 PARS.pdf; David Bloom - SES Performance Plan FY 2020.docx

Doug,

Happy Tuesday! Please see below for today's most updated schedule as the Administrator is on Personal Leave.

Attached are materials for your three mid-years today with Kurt, Mary, and David Bloom. Additionally there are materials for your conversation with Brittany Bolen.

Thanks!
Carrie

10:00 AM – 10:30 AM	<u>CAA Updates</u> WJCN 3412 / Kelley to call DB's cell Benevento, Douglas
10:30 AM – 11:00 AM	<u>FY2020 Mid Year Review</u> with Kurt Thiede WJCN 3412 / Conference Call Benevento, Douglas
11:30 AM – 12:00 PM	<u>Check in w/ Brittany Bolen</u> WJCN 3412 / Brittany to call DB's cell Benevento, Douglas
12:00 PM – 12:30 PM	<u>PMC COVID Call: (M,W,F)</u> <u>(NEW) Participant Dial-In:</u> Ex. 6 Code: Ex. 6 Rigas, Michael J. EOP/OMB
1:00 PM – 1:30 PM	<u>FY2020 Mid Year Review</u> with Mary Walker WJCN3412 / Conference Call Benevento, Douglas

2:00 PM – 3:00 PM Senior Staff Meeting
Alm Room/ Conference Call: Ex. 6; dial-in Ex. 6
Adm15Wheeler.Calendar

4:30 PM – 5:00 PM Mid Year Review with David Bloom
WJCN 3412 / Conference Call
Benevento, Douglas

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM ABP	NPRM Options Selection	NPRM FAR	NPRM to OMB	NPRM Signature	NPRM FR Publication	Comment Period End	Final Early Guidance	Final ABP	Final Options Selection	Final FAR	Final to OMB	Final Signature	Final FR Publication	Comments	OP Notes	Fall 2017 Reg Agenda NPRM	Fall 2017 Reg Agenda Final	PRAD
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target Actual or Current Planned																				
No		EGU GHG NSPS	OAR	5548.6	2	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target Actual or Current Planned																				
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units	Target Actual or Current Planned																				
No		NO2 NAAQS	OAR	5622	2	Review of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen	Target Actual or Current Planned																				
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target Actual or Current Planned																				
No		SO2 NAAQS	OAR	5747	1	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides	Target Actual or Current Planned																				
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target Actual or Current Planned																				
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule	Target Actual or Current Planned																				
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target Actual or Current Planned																				
No		Cement RTR	OAR	5890	2	National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry Residual Risk and Technology Review	Target Actual or Current Planned																				
No		Mid-term Evaluation	OAR	5899.1	2	Reconsideration of Final Determination: Mid Term Evaluation of Greenhouse Gas Emissions Standards for Model Year 2022-2025 Light Duty Vehicles	Target Actual or Current Planned																				
No		Turbine RTR	OAR	5909	2	Stationary Combustion Turbine RTR	Target Actual or Current Planned																				
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target Actual or Current Planned																				
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target Actual or Current Planned																				
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target Actual or Current Planned																				

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review;*	Target
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Actual or Current Planned
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Actual or Current Planned
No		HCI RTR	OAR	6267	2	National Emission Standards for Hazardous Air Pollutants for Hydrochloric Acid Production Residual Risk and Technology Review	Target
Yes		CPP Replace	OAR	6346	1	State Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units	Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Netting	Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020Commencement: -	Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSPP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target Actual or Current Planned
No		Lead dust	OCSPP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target Actual or Current Planned
Yes		WPS	OCSPP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target Actual or Current Planned
No		CBI	OEI	5757	2	Revisions to 40 CFR Part 2, Subpart b (Confidentiality of Business Information)	Target Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target Actual or Current Planned
Yes		CCR Remand	OLEM	5939	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1)	Target Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process (ANPRM*)	Target Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target Actual or Current Planned
No		UNDS Armed Forces II	OW	5772	2	Uniform National Discharge Standards for Vessels of the Armed Forces--Phase II--Batch Two (UNDS)*	Target Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM ABP	NPRM Options Selection	NPRM FAR	NPRM to OMB	NPRM Signature	NPRM FR Publication	Comment Period End	Final Early Guidance	Final ABP	Final Options Selection	Final FAR	Final to OMB	Final Signature	Final FR Publication	Comments	OP Notes	Fall 2017 Reg Agenda NPRM	Fall 2017 Reg Agenda Final
No		LDAR	OAR	5364	2	No indication of current milestone or completed milestones (on-schedule)	Target																			
No		EGU GHG NSPS	OAR	5548.6	2	No indication of current milestone or completed milestones (some delayed milestones)	Actual or Current Planned																			
Yes		CPP Repeal	OAR	5548.7	1	No indication of current milestone or completed milestones (some delayed milestones and no color if no dates)	Target																			
No		NO2 NAAQS	OAR	5622	2	Completed milestones cross-hatched (on-schedule)	Actual or Current Planned																			
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Completed milestones bold and larger font (on-schedule)	Target																			
No		SO2 NAAQS	OAR	5747	1	Completed milestones cross-hatched (some delayed milestones)	Actual or Current Planned																			
No		Aircraft GHG	OAR	5773.1	2	Completed milestones bold and dots and no color for uncompleted milestones (some delayed milestones)	Target																			
No		REGS	OAR	5845	2	Only late milestones are colored (some delayed milestones)	Actual or Current Planned																			
No		Ozone SIP	OAR	5870	2	Next milestone indicated in purple (on-schedule)	Target																			
No		Cement RTR	OAR	5890	2	Next milestone indicated in purple outline (some delays)	Actual or Current Planned																			
No		Mid-term Evaluation	OAR	5899.1	2	Next milestone in purple outline and no color if no milestone date (on-schedule)	Target																			
No		Turbine RTR	OAR	5909	2		Actual or Current Planned																			
No		Engine RTR	OAR	5911	2		Target																			
No		Ethylene RTR	OAR	5914	2		Actual or Current Planned																			
No		II&S RTR	OAR	5919	2		Target																			

Ex. 5 Deliberative Process (DP)

No		Reinforced Plastics & Boat RTR	OAR	5930	2		Target
No		Tire RTR	OAR	5949	2		Actual or Current Planned
No		Fuels Modernization	OAR	5983	2		Target
No		Asphalt RTR	OAR	5988	2		Actual or Current Planned
No		HCI RTR	OAR	6267	2		Target
Yes		CPP Replace	OAR	6346	1		Actual or Current Planned
No		Gliders	OAR	6459	1		Target
No		Misc Chem & Coating	OAR	6494	2		Actual or Current Planned
No		OLD RTR	OAR	6503	2		Target
No		NSR Netting	OAR	6598	2		Actual or Current Planned
No		O&G NSPS	OAR	6616	1		Target
No		RFS	OAR	6642	1		Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSPP	5007.1	2		Target Actual or Current Planned
No		Lead dust	OCSPP	5488	1		Target Actual or Current Planned
Yes		WPS	OCSPP	6331	2		Target Actual or Current Planned
No		CBI	OEI	5757	2		Target Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3		Target Actual or Current Planned
Yes		CCR Remand	OLEM	5939	3		Target Actual or Current Planned
Yes		HSSP	OLEM	5957	2		Target Actual or Current Planned
1		Cost consistency	OP	6530	2		Target Actual or Current Planned
Yes		Lead & Copper	OW	5423	1		Target Actual or Current Planned
No		Perchlorate	OW	5555	1		Target Actual or Current Planned
No		UNDS Armed Forces II	OW	5772	2		Target Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1		Target Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1		Target Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM ABP	NPRM Options Selection	NPRM FAR	NPRM to OMB	NPRM Signature	NPRM FR Publication	Comment Period End	Final Early Guidance	Final ABP	Final Options Selection	Final FAR	Final to OMB	Final Signature	Final FR Publication	Comments	Fall 2017 Reg Agenda NPRM	Fall 2017 Reg Agenda Final	PRAD
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No		NO2 NAAQS	OAR	5622	2	Review of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen	Target Actual or Current Planned																			
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target Actual or Current Planned																			
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No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target Actual or Current Planned																			
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target Actual or Current Planned																			

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review.*	Target
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Actual or Current Planned
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Actual or Current Planned
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No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
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No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020Commencement: -	Actual or Current Planned

Ex. 5 Deliberative Process (DP)

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Yes		WPS	OCSPP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
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No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Actual or Current Planned
No		UNDS Armed Forces II	OW	5772	2	Uniform National Discharge Standards for Vessels of the Armed Forces--Phase II--Batch Two (UNDS)*	Target
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	Fall 2017 Reg Agenda NPRM	Fall 2017 Reg Agenda Final	PRAD
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target															
No		EGU GHG NSPS	OAR	5548.6	2	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target															
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units	Target															
No		NO2 NAAQS	OAR	5622	2	Review of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen	Target															
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target															
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides	Target															
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target															
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule	Target															
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target															
No		Cement RTR	OAR	5890	2	National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry Residual Risk and Technology Review	Target															
No		Mid-term Evaluation	OAR	5899.1	2	Reconsideration of Final Determination: Mid Term Evaluation of Greenhouse Gas Emissions Standards for Model Year 2022-2025 Light Duty Vehicles	Target															
No		Turbine RTR	OAR	5909	2	Stationary Combustion Turbine RTR	Target															
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target															
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target															
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target															

Ex. 5 Deliberative Process (DP)

No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Actual or Current Planned
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Actual or Current Planned
No		HCl RTR	OAR	6267	2	National Emission Standards for Hazardous Air Pollutants for Hydrochloric Acid Production Residual Risk and Technology Review	Target
Yes		CPP Replace	OAR	6346	1	State Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units	Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Netting	Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020Commencement: -	Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target Actual or Current Planned
No		CBI	OEI	5757	2	Revisions to 40 CFR Part 2, Subpart b (Confidentiality of Business Information)	Target Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target Actual or Current Planned
Yes		CCR Remand	OLEM	5939	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1)	Target Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process (ANPRM*)	Target Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	Fall 2017 Reg Agenda NPRM	Fall 2017 Reg Agenda Final	PRAD
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target															
No		EGU GHG NSPS	OAR	5548.6	2	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target															
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units	Target															
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target															
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides	Target															
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target															
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule	Target															
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target															
No		Cement RTR	OAR	5890	2	National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry Residual Risk and Technology Review	Target															
No		Turbine RTR	OAR	5909	2	Stationary Combustion Turbine RTR	Target															
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target															
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target															
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target															

Ex. 5 Deliberative Process (DP)

No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Actual or Current Planned
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Actual or Current Planned
No		HCl RTR	OAR	6267	2	National Emission Standards for Hazardous Air Pollutants for Hydrochloric Acid Production Residual Risk and Technology Review	Target
Yes		CPP Replace	OAR	6346	1	State Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units	Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
No		RF5	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020Commencement: -	Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
No		CBI	OGC	5757	2	Revisions to 40 CFR Part 2, Subpart b (Confidentiality of Business Information)	Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
Yes		CCR Remand	OLEM	5939	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1)	Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process (ANPRM*)	Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	Fall 2017 Reg Agenda NPRM	Fall 2017 Reg Agenda Final	PRAD	
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target	Ex. 5 Deliberative Process (DP)															
							Actual or Current Planned																
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target																
							Actual or Current Planned																
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units	Target																
							Actual or Current Planned																
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target																
							Actual or Current Planned																
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides	Target																
							Actual or Current Planned																
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target																
							Actual or Current Planned																
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule	Target																
							Actual or Current Planned																
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target																
							Actual or Current Planned																
No		Turbine RTR	OAR	5909	2	Stationary Combustion Turbine RTR	Target																
							Actual or Current Planned																
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target																
							Actual or Current Planned																
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target																
							Actual or Current Planned																
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target																
							Actual or Current Planned																
No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target																
							Actual or Current Planned																

Ex. 5 Deliberative Process (DP)

No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Target
							Actual or Current Planned
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
							Actual or Current Planned
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Target
							Actual or Current Planned
Yes		CPP Replace	OAR	6346	1	State Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units	Target
							Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
							Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020Commencement: -	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	Rulemaking to Establish Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements; Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1)	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process (ANPRM*)	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	Fall 2017 Reg Agenda NPRM	Fall 2017 Reg Agenda Final	PRAD
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target															
							Actual or Current Planned															
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target															
							Actual or Current Planned															
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units	Target															
							Actual or Current Planned															
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target															
							Actual or Current Planned															
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides	Target															
							Actual or Current Planned															
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target															
							Actual or Current Planned															
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule	Target															
							Actual or Current Planned															
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target															
							Actual or Current Planned															
No		Turbine RTR	OAR	5909	2	Stationary Combustion Turbine RTR	Target															
							Actual or Current Planned															
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target															
							Actual or Current Planned															
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target															
							Actual or Current Planned															
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target															
							Actual or Current Planned															
No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target															
							Actual or Current Planned															

Ex. 5 Deliberative Process (DP)

No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Target
							Actual or Current Planned
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
							Actual or Current Planned
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Target
							Actual or Current Planned
Yes		CPP Replace	OAR	6346	1	State Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units	Target
							Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
							Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020Commencement: -	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	The Safer and Affordable Fuel Efficient (SAFE) Vehicles Rule, MY2021-2026	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements; Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1)	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process (ANPRM*)	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	Fall 2017 Reg Agenda NPRM	Fall 2017 Reg Agenda Final	PRAD
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target															
							Actual or Current Planned															
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target															
							Actual or Current Planned															
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units	Target															
							Actual or Current Planned															
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target															
							Actual or Current Planned															
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides	Target															
							Actual or Current Planned															
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target															
							Actual or Current Planned															
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule	Target															
							Actual or Current Planned															
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target															
							Actual or Current Planned															
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands Residual Risk and Technology Review	Target															
							Actual or Current Planned															
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target															
							Actual or Current Planned															
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target															
							Actual or Current Planned															
No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target															
							Actual or Current Planned															
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Target															
							Actual or Current Planned															

Ex. 5 Deliberative Process (DP)

No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
							Actual or Current Planned
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Target
							Actual or Current Planned
Yes		CPP Replace	OAR	6346	1	State Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units	Target
							Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
							Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020 Commencement	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements; Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939.2	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1, Part	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process (ANPRM*)	Target
							Actual or Current Planned
			ORD	6781	1	Strengthening Transparency in Regulatory Science	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	PRAD
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target													
							Actual or Current Planned													
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target													
							Actual or Current Planned													
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (CPP Repeal)	Target													
							Actual or Current Planned													
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target													
							Actual or Current Planned													
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides (SO2 NAAQS)	Target													
							Actual or Current Planned													
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target													
							Actual or Current Planned													
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule (REGS)	Target													
							Actual or Current Planned													
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target													
							Actual or Current Planned													
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target													
							Actual or Current Planned													
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target													
							Actual or Current Planned													
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target													
							Actual or Current Planned													
No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target													
							Actual or Current Planned													
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Target													
							Actual or Current Planned													

Ex. 5 Deliberative Process (DP)

No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
							Actual or Current Planned
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Target
							Actual or Current Planned
Yes		CPP Replace	OAR	6346	1	Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units (Affordable Clean Energy rule)	Target
							Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
							Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews (MON)	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020 Commencement	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939.2	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1, Part 2)	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process	Target
							Actual or Current Planned
			ORD	6781	1	Strengthening Transparency in Regulatory Science	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	PRAD
			OAR	4908	2	NESHAP Amendment: General Provisions for Once In Always In	Target													
							Actual or Current Planned													
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target													
							Actual or Current Planned													
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target													
							Actual or Current Planned													
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (CPP Repeal)	Target													
							Actual or Current Planned													
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target													
							Actual or Current Planned													
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides (SO2 NAAQS)	Target													
							Actual or Current Planned													
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target													
							Actual or Current Planned													
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule (REGS)	Target													
							Actual or Current Planned													
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target													
							Actual or Current Planned													
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target													
							Actual or Current Planned													
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target													
							Actual or Current Planned													
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target													
							Actual or Current Planned													
No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target													
							Actual or Current Planned													
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Target													
							Actual or Current Planned													

Ex. 5 Deliberative Process (DP)

No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
							Actual or Current Planned
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Target
							Actual or Current Planned
Yes		CPP Replace	OAR	6346	1	Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units (Affordable Clean Energy rule)	Target
							Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
							Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews (MON)	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020 Commencement	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939.2	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1, Part 2)	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process	Target
							Actual or Current Planned
			ORD	6781	1	Strengthening Transparency in Regulatory Science	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category - Reconsideration	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Full Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments
			OAR	4908	2	NESHAP Amendment: General Provisions for Once In Always In	Target												
							Actual or Current Planned												
No		LDAR	OAR	5364	2	Alternative Work Practices for Leak Detection and Repair Amendments	Target												
							Actual or Current Planned												
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target												
							Actual or Current Planned												
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (CPP Repeal)	Target												
							Actual or Current Planned												
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target												
							Actual or Current Planned												
No		SO2 NAAQS	OAR	5747	2	Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides (SO2 NAAQS)	Target												
							Actual or Current Planned												
No		Aircraft GHG	OAR	5773.1	2	Control of Air Pollution From Aircraft and Aircraft Engines: Proposed GHG Emissions Standards and Test Procedures	Target												
							Actual or Current Planned												
No		REGS	OAR	5845	2	Renewables Enhancement and Growth Support Rule (REGS)	Target												
							Actual or Current Planned												
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target												
							Actual or Current Planned												
No		Engine RTR	OAR	5911	2	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards Residual Risk and Technology Review	Target												
							Actual or Current Planned												
No		Ethylene RTR	OAR	5914	2	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards--Ethylene Production	Target												
							Actual or Current Planned												
No		II&S RTR	OAR	5919	2	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities	Target												
							Actual or Current Planned												
No		Reinforced Plastics & Boat RTR	OAR	5930	2	National Emission Standard for Hazardous Air Pollutants (NESHAP): Reinforced Plastics Composites and Boat Manufacturing Residual Risk and Technology Review:	Target												
							Actual or Current Planned												
No		Tire RTR	OAR	5949	2	National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing Risk and Technology Review	Target												
							Actual or Current Planned												

Ex. 5 Deliberative Process (DP)

No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target
							Actual or Current Planned
No		Asphalt RTR	OAR	5988	2	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review	Target
							Actual or Current Planned
Yes		CPP Replace	OAR	6346	1	Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units (Affordable Clean Energy rule)	Target
							Actual or Current Planned
No		Gliders	OAR	6459	1	Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits	Target
							Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews (MON)	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020 Commencement	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		Pesticide Age Requirements	OCSPP	5007.1	2	Pesticides; Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSPP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
Yes		WPS	OCSPP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939.2	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities; Amendments to the National Minimum Criteria (Phase 1, Part	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process	Target
							Actual or Current Planned
			ORD	6781	1	Strengthening Transparency in Regulatory Science	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category - Reconsideration	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Reg Plan	Stage	Short Name	Office	SAN	Tier	Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	PRAD
			OAR	4908	2	Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act (Once In, Always In)	Target													
							Actual or Current Planned													
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target													
							Actual or Current Planned													
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (CPP Repeal)	Target													
							Actual or Current Planned													
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target													
							Actual or Current Planned													
No		SO2 NAAQS	OAR	5747	2	Review of the Primary SO2 NAAQS	Target													
							Actual or Current Planned													
No		Ozone SIP	OAR	5870	2	Implementation of the 2015 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements	Target													
							Actual or Current Planned													
No		Engine RTR	OAR	5911	2	Engine Test Cells/Standards RTR	Target													
							Actual or Current Planned													
No		Ethylene RTR	OAR	5914	2	Ethylene Production RTR	Target													
							Actual or Current Planned													
No		II&S RTR	OAR	5919	2	Integrated Iron and Steel Manufacturing Facilities RTR	Target													
							Actual or Current Planned													
			OAR	5925	2	Taconite Iron Ore Processing RTR	Target													
							Actual or Current Planned													
No		Reinforced Plastics & Boat RTR	OAR	5930	2	Reinforced Plastics Composites and Boat Manufacturing RTR	Target													
							Actual or Current Planned													
			OAR	5948	2	Lime Manufacturing RTR	Target													
							Actual or Current Planned													
			OAR	5962	2	Iron and Steel Foundries RTR	Target													
							Actual or Current Planned													
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target													
							Actual or Current Planned													

Ex. 5 Deliberative Process (DP)

No		Asphalt RTR	OAR	5988	2	Asphalt Processing and Asphalt Roofing Manufacturing RTR	Target
							Actual or Current Planned
Yes		CPP Replace	OAR	6346	1	Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units (Affordable Clean Energy rule)	Target
							Actual or Current Planned
No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing (MON) RTR	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
No		RFS	OAR	6642	1	Renewable Fuel Volume Standards for 2019 and Biomass Based Diesel Volume (BBD) for 2020 Commencement	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks	Target
							Actual or Current Planned
			OAR	6838	2	MSW Landfills RTR	Target
							Actual or Current Planned
			OAR	6839	2	MSW Landfills Reconsideration	Target
							Actual or Current Planned
			OAR	6884	2	Renewable Fuel Standard Program Modification of Applicable Volumes (Reset)	Target
							Actual or Current Planned
			OAR	6928	2	Site Remediation RTR	Target
							Actual or Current Planned
			OAR	6934	2	Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Ann

Barry

Sharon

Amy

Barry

Jan

Amy

Bruce

Paula

Yes		Pesticide Age Requirements	OCSP	5007.1	2	Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
			OCSP	5830	1	Methylene Chloride	Target
							Actual or Current Planned
			OCSP	6015	2	Regulation of Persistent, Biocumulative, and Toxic Chemicals under TSCA 6(h)	Target
							Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
			OLEM	5350.2	1	Financial Responsibility Requirements under CERCLA Section 108(b) for the Additional Classes	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
			OLEM	5939.1	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues from Electric Utilities: Amendments to the National Minimum Criteria (Phase 2)	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939.2	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1, Part 2)	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category - Reconsideration	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned
			OW	6682	2	Clean Water Act 404 Assumption Update Regulation	Target
							Actual or Current Planned
			OW	6694	2	Peak Flows Management	Target
							Actual or Current Planned
			OW	6948	2	Clean Water Act Section 404(c) Regulatory Revision	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Joe

Joe

Reg Plan	Stage	Short Name	Office	SAN	Tier	Title	Status	NPRM Early Guidance	NPRM Option Selection	NPRM FAR	NPRM to OMB	NPRM Signature	Comment Period End	Final Early Guidance	Final Option Selection	Final FAR	Final to OMB	Final Signature	Comments	PRAD
			OAR	4908	2	Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act (Once In, Always In)	Target													
							Actual or Current Planned													
No		EGU GHG NSPS	OAR	5548.6	1	Review of the Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units	Target													
							Actual or Current Planned													
Yes		CPP Repeal	OAR	5548.7	1	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (CPP Repeal)	Target													
							Actual or Current Planned													
Yes		Oil & Gas Reconsideration	OAR	5719.8	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration	Target													
							Actual or Current Planned													
No		SO2 NAAQS	OAR	5747	2	Review of the Primary SO2 NAAQS	Target													
							Actual or Current Planned													
No		Ethylene RTR	OAR	5914	2	Ethylene Production RTR	Target													
							Actual or Current Planned													
No		II&S RTR	OAR	5919	2	Integrated Iron and Steel Manufacturing Facilities RTR	Target													
							Actual or Current Planned													
			OAR	5925	2	Taconite Iron Ore Processing RTR	Target													
							Actual or Current Planned													
No		Reinforced Plastics & Boat RTR	OAR	5930	2	Reinforced Plastics Composites and Boat Manufacturing RTR	Target													
							Actual or Current Planned													
			OAR	5948	2	Lime Manufacturing RTR	Target													
			OAR	5962	2	Iron and Steel Foundries RTR	Actual or Current Planned													
No		Fuels Modernization	OAR	5983	2	Fuels Regulation Modernization - Phase 1	Target													
							Actual or Current Planned													
No		Asphalt RTR	OAR	5988	2	Asphalt Processing and Asphalt Roofing Manufacturing RTR	Target													
							Actual or Current Planned													
Yes		CPP Replace	OAR	6346	1	Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units (Affordable Clean Energy rule)	Target													
							Actual or Current Planned													

Ex. 5 Deliberative Process (DP)

No		Misc Chem & Coating	OAR	6494	2	Miscellaneous Organic Chemical Manufacturing (MON) RTR	Target
							Actual or Current Planned
No		OLD RTR	OAR	6503	2	Organic Liquids Distribution (Non-Gasoline) RTR	Target
							Actual or Current Planned
No		NSR Netting	OAR	6598	2	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting	Target
							Actual or Current Planned
No		O&G NSPS	OAR	6616	1	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review	Target
							Actual or Current Planned
			OAR	6716	1	Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review	Target
							Actual or Current Planned
			OAR	6757	1	The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks	Target
							Actual or Current Planned
			OAR	6838	2	MSW Landfills RTR	Target
							Actual or Current Planned
			OAR	6839	2	MSW Landfills Reconsideration	Target
							Actual or Current Planned
			OAR	6884	2	Renewable Fuel Standard Program Modification of Applicable Volumes (Reset)	Target
							Actual or Current Planned
			OAR	6928	2	Site Remediation RTR	Target
							Actual or Current Planned
			OAR	6934	2	Miscellaneous Coating Manufacturing Residual Risk and Technology Reviews	Target
							Actual or Current Planned
Yes		Pesticide Age Requirements	OCSP	5007.1	2	Certification of Pesticide Applicators Rule; Reconsideration of the Minimum Age Requirements	Target
							Actual or Current Planned
No		Lead dust	OCSP	5488	1	Residential Dust-Lead Hazard Standards, and the Definition of Lead-Based Paint	Target
							Actual or Current Planned
			OCSP	5830	1	Methylene Chloride	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

			OCSP	6015	2	Regulation of Persistent, Biocumulative, and Toxic (PBT) Chemicals under TSCA 6(h)	Target
							Actual or Current Planned
Yes		WPS	OCSP	6331	2	Pesticides; Agricultural Worker Protection Standard; Reconsideration of Several Requirements	Target
							Actual or Current Planned
			OLEM	5350.2	2	Financial Responsibility Requirements under CERCLA Section 108(b) for the Additional Classes	Target
							Actual or Current Planned
Yes		RMP reconsideration	OLEM	5766.4	3	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Reconsideration of Amendments	Target
							Actual or Current Planned
			OLEM	5939.1	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues from Electric Utilities: Amendments to the National Minimum Criteria (Phase 2)	Target
							Actual or Current Planned
Yes		CCR Remand	OLEM	5939.2	3	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues From Electric Utilities: Amendments to the National Minimum Criteria (Phase 1, Part 2)	Target
							Actual or Current Planned
Yes		HSSP	OLEM	5957	2	Clean Water Act Hazardous Substances Spill Prevention	Target
							Actual or Current Planned
1		Cost consistency	OP	6530	2	Increasing Consistency and Transparency of Cost Consideration in the Rulemaking Process	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5422.2	1	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category - Reconsideration	Target
							Actual or Current Planned
Yes		Lead & Copper	OW	5423	1	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions	Target
							Actual or Current Planned
No		Perchlorate	OW	5555	1	National Primary Drinking Water Regulations: Regulation of Perchlorate	Target
							Actual or Current Planned
Yes		WOTUS repeal	OW	6027	1	Definition of "Waters of the United States"--Recodification of Pre-existing Rule	Target
							Actual or Current Planned
Yes		WOTUS replace	OW	6027.1	1	Second Action: Definition of 'Waters of the United States'	Target
							Actual or Current Planned
			OW	6682	2	Clean Water Act 404 Assumption Update Regulation	Target
							Actual or Current Planned

Ex. 5 Deliberative Process (DP)

OW	6694	2	Peak Flows Management	Target
				Actual or Current Planned
OW	6948	2	Clean Water Act Section 404(c) Regulatory Revision	Target
				Actual or Current Planned

Ex. 5 Deliberative Process (DP)

Schedule Tracking for 13 Priority Actions
(*Dates pulled on 4-2-20)

]

Office	Title	Status	NPRM Early Guidance	NPRM Option Selectio n	NPRM FAR	NPRM to OMB	NPRM Signatur e	Final Early Guidance	Final Option Selecti on	Final FAR	Final to OMB	Final Signatur e	Comments
OAR	Cleaner Trucks Initiative	Target											
		Actual or Current Planned											
OAR	Increasing Consistency and Transparency in Considering Benefits and Costs in the Clean Air Act Rulemaking Process	Target											
		Actual or Current Planned											
OAR	PM NAAQS Review	Target											
		Actual or Current Planned											
OAR	Ozone NAAQS Review	Target											
		Actual or Current Planned											
OAR	Oil and Gas NSPS Review ("Policy Package")	Target											
		Actual or Current Planned											
OCSP	Review of Dust Lead Clearance Levels	Target											
		Actual or Current Planned											
OCSP	Updates to PIPs Exemptions	Target											
		Actual or Current Planned											
OLEM	CCR Litigation Response Part B - Alternative Demonstration for Unlined Surface Impoundments & Request for Comment on Legacy	Target											
		Actual or Current Planned											
OLEM	CCR Litigation Response Part A - Revision of "Cease Receipt of Waste" Deadline for CCR Surface Impoundments	Target											
		Actual or Current Planned											
OW	Steam Electric ELG Reconsideration	Target											
		Actual or Current Planned											
OW	Lead and Copper NPDWR - Long Term Revisions	Target											
		Actual or Current Planned											
OP	Procedures for Issuing Guidance Documents	Target											
		Actual or Current Planned											
ORD	Strengthening Transparency in Regulatory Science	Target											
		Actual or Current Planned											

Ex. 5 Deliberative Process (DP)

Color Key	
Completed Milestones Color Key	
On or before target date	
Within 1 month of target date	
1 month to 3 months after target date	
3 months or more after target date	
Outstanding Milestones Color Key	
Late but within 1 month of target date	
Late by 1 month to 3 months after target date	
Late by 3 months or more after target date	

Abbreviations
N/A No dates in ADP Tracker yet or specific milestone does not apply to Tier 3 rule.

Color Key:	
	On or before target date
	Within 1 month of target date
	1 month to 3 months after target date
	3 months or more after target date
Bold with Dots	Next upcoming milestone
	Please review and address comment.

Criteria for Inclusion on List of Priority Actions:

Ex. 5 Deliberative Process (DP)

Statistics for: July 2018 Report

Office	# Actions with upcoming milestone more than 30 days behind schedule	Total # Actions	Comments
OAR	23	25	
OCSPP	2	3	
OLEM	0	3	
OP	0	1	
ORD	0	1	
OW	2	5	*Missing milestone target dates for 3 of 5 actions.
Total	27	38	

Abbreviations:	
[Blank]	No dates in ADP Tracker.
[9999]	Placeholder in ADP Tracker.
FR	Dates except for signature not shown for final rule milestone until comment period has ended.
Waived	Milestone officially waived.
N/A	Milestone does not apply (Tier 3 or not a regulation).
NS	Non-significant (no OMB review). NS? indicates that OMB has not yet made the determination.
[late]	Milestone date has passed but ADP Tracker has not been updated with new schedule or actual completed date.
Moot	Milestone overtaken by events and did not occur.

Preliminary Actions to add to list after Fall 2018 Agenda published

OAR 5925	Taconite Iron Ore Processing RTR (subpart RRRRR)
OAR 5948	Lime Manufacturing RTR (subpart AAAAA)
OAR 5962	Iron and Steel Foundries RTR (subpart EEEEE)
OAR 6838	MSW Landfills RTR
OAR 6839	MSW Landfills Reconsideration
OAR 6884	Renewable Fuel Standard Program Modification of Applicable Volumes
OAR 6928	Site Remediation RTR
OAR 6934	Miscellaneous Coating Manufacturing RTR
OCSPP 5830	Methylene Chloride
OCSPP 6015	Regulation of Persistent, Bioaccumulative, and Toxic Chemicals under TSCA 6(h)
OLEM 5350.2	Financial Responsibility Requirements under CERCLA Section 108(b) for the Additional Classes
OW 6682	Clean Water Act 404 Assumption Update Regulation
OW 6694	Peak Flows Management
OW 6948	Clean Water Act 404(c)

Message

From: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Sent: 4/1/2020 8:34:44 PM
To: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
CC: Voyles, Travis [Voyles.Travis@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Dunlap, David [dunlap.david@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Gunasekara, Mandy [gunasekara.Mandy@epa.gov]
Subject: Letters for Review
Attachments: 2020-04-XX EPA-Johnson (Science Transparency)_DRAFT.docx; 2020-04-01 EPA Temporary Enforcement Compliance Guidance Letter_DRAFT.docx

Sir,

Attached are two letters for your review. The first is the enforcement letter, currently addressed to the House and Senate leadership. It will be signed by Susan and sent tomorrow morning before 10:00a.m. per OPA. The second is the letter to Chairwoman Johnson on science transparency. It will be signed by you and sent tomorrow afternoon just before the briefing, which is at 4:00 p.m. and in preparation for a press release after that. Please let us know if you have any questions or comments.

Thank you,
Joe

Joseph A. Brazauskas Jr.
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
(202) 564-5189

Message

From: Frye, Tony (Robert) [frye.robert@epa.gov]
Sent: 5/14/2020 12:54:47 PM
To: Bolen, Brittany [bolen.brittany@epa.gov]
Subject: RE: SEPW Briefing Binder
Attachments: 2020.05.13 - Administrator Wheeler Full Budget Binder (2).zip

Tony Frye

Director of Senate Affairs
Office of Congressional Affairs
Environmental Protection Agency
Cell: 202.603.3225

From: Bolen, Brittany <bolen.brittany@epa.gov>
Sent: Wednesday, May 13, 2020 5:16 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: FW: SEPW Briefing Binder

Hey Tony – do you have a copy of the binder? I believe these have been going to brother Derrick.

From: Bolen, Derrick <bolen.derrick@epa.gov>
Sent: Wednesday, May 13, 2020 5:11 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Fwd: SEPW Briefing Binder

I believe this one is for you. I hope all is well!

Thank you,
Derrick Bolen

Begin forwarded message:

From: "Frye, Tony (Robert)" <frye.robert@epa.gov>
Date: May 13, 2020 at 5:03:29 PM EDT
To: "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>, "Molina, Michael" <molina.michael@epa.gov>, "Hanson, Paige (Catherine)" <hanson.catherine@epa.gov>, "Benevento, Douglas" <benevento.douglas@epa.gov>, "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>, "Schiermeyer, Corry" <schiermeyer.corry@epa.gov>, "Bolen, Derrick" <bolen.derrick@epa.gov>, "Dankert, Charles M. (Charlie)" <Dankert.Charles@epa.gov>, "Bloom, David" <Bloom.David@epa.gov>, "Willey, Katharine" <willey.katharine@epa.gov>, "Idsal, Anne" <idsal.anne@epa.gov>, "Harlow, David" <harlow.david@epa.gov>, "Dominguez, Alexander" <dominguez.alexander@epa.gov>, "Moor, Karl" <Moor.Karl@epa.gov>, "Cory, Preston" <Cory.Preston@epa.gov>, "Raymond, Kelley" <Raymond.Kelley@epa.gov>, "Tardif, Abigale (Abbie)" <Tardif.Abigale@epa.gov>, "Coxen, Carrie" <coxen.carrie@epa.gov>, "Yarbrough, John (Daniel)" <Yarbrough.Daniel@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>, "Cody, Meredith" <cody.meredith@epa.gov>
Cc: "Brazauskas, Joseph" <brazauskas.joseph@epa.gov>, "Voyles, Travis" <Voyles.Travis@epa.gov>, "Edwards, John (Holt)" <edwards.john@epa.gov>
Subject: RE: SEPW Briefing Binder

One more for tomorrow morning.

Tony Frye

Director of Senate Affairs
Office of Congressional Affairs
Environmental Protection Agency
Cell: 202.603.3225

From: Frye, Tony (Robert)

Sent: Wednesday, May 13, 2020 3:47 PM

To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Michael Molina (molina.michael@epa.gov) <molina.michael@epa.gov>; Hanson, Paige (Catherine) <hanson.catherine@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Dankert, Charles M. (Charlie) <Dankert.Charles@epa.gov>; Bloom, David <Bloom.David@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Moor, Karl <Moor.Karl@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Raymond, Kelley <Raymond.Kelley@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Fischer, David <Fischer.David@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Irving, John <Irving.John@epa.gov>; Coxen, Carrie <coxen.carrie@epa.gov>; Dunlap, David <dunlap.david@epa.gov>; Fitzmorris, Amanda <fitzmorris.amanda@epa.gov>; Jones, Lindsey <jones.lindsey@epa.gov>; Vizian, Donna <Vizian.Donna@epa.gov>; Zeckman, David <zeckman.david@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; McIntosh, Chad <mcintosh.chad@epa.gov>; Zimmer, Nathaniel <zimmer.nathaniel@epa.gov>; Yarbrough, John (Daniel) <Yarbrough.Daniel@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Cody, Meredith <cody.meredith@epa.gov>; Wright, Peter <wright.peter@epa.gov>; Hoverman, Taylor <hoverman.taylor@epa.gov>; Cook, Steven <cook.steven@epa.gov>

Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Edwards, John (Holt) <edwards.john@epa.gov>

Subject: SEPW Briefing Binder

1 of 2 – PLEASE LIMIT DISTRIBUTION AS APPROPRIATE

Hello All – I apologize for my delay in sending these documents around, there are still some moving parts, but we wanted to get the majority of what is finalized to you before the last hold outs.

Attached, please find the truncated SEPW hearing binder that is currently with the Administrator for his review prior to briefings this week in advance of his hearing Wednesday. All of the sheets in this file should be highlighted in the attached TOC.

Following this email, I will send another with the full binder that reflects all of the documents on the TOC, the file is simply too large to get into one email.

There have been a lot of moving parts in this process, please let me know if you have any questions, think I missed a sheet your office provided to OCIR, or have any comments.

Have a great day!

Best,
Tony

Tony Frye
Director of Senate Affairs
Office of Congressional Affairs
Environmental Protection Agency
Cell: 202.603.3225

Message

From: Frye, Tony (Robert) [frye.robert@epa.gov]
Sent: 5/14/2020 12:51:48 PM
To: Bolen, Brittany [bolen.brittany@epa.gov]
Subject: RE: SEPW Briefing Binder
Attachments: 2020.05.13 - 12pm - AAW Budget Hearing Binder Updates.zip

Flag: Follow up

Garrrr. I even remember checking for your name rather than his. I apologize!

Tony Frye

Director of Senate Affairs
Office of Congressional Affairs
Environmental Protection Agency
Cell: 202.603.3225

From: Bolen, Brittany <bolen.brittany@epa.gov>
Sent: Wednesday, May 13, 2020 5:16 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: FW: SEPW Briefing Binder

Hey Tony – do you have a copy of the binder? I believe these have been going to brother Derrick.

From: Bolen, Derrick <bolen.derrick@epa.gov>
Sent: Wednesday, May 13, 2020 5:11 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Fwd: SEPW Briefing Binder

I believe this one is for you. I hope all is well!

Thank you,
Derrick Bolen

Begin forwarded message:

From: "Frye, Tony (Robert)" <frye.robert@epa.gov>
Date: May 13, 2020 at 5:03:29 PM EDT
To: "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>, "Molina, Michael" <molina.michael@epa.gov>, "Hanson, Paige (Catherine)" <hanson.catherine@epa.gov>, "Benevento, Douglas" <benevento.douglas@epa.gov>, "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>, "Schiermeyer, Corry" <schiermeyer.corry@epa.gov>, "Bolen, Derrick" <bolen.derrick@epa.gov>, "Dankert, Charles M. (Charlie)" <Dankert.Charles@epa.gov>, "Bloom, David" <Bloom.David@epa.gov>, "Willey, Katharine" <willey.katharine@epa.gov>, "Idsal, Anne" <idsal.anne@epa.gov>, "Harlow, David" <harlow.david@epa.gov>, "Dominguez, Alexander" <dominguez.alexander@epa.gov>, "Moor, Karl" <Moor.Karl@epa.gov>, "Cory, Preston" <Cory.Preston@epa.gov>, "Raymond, Kelley" <Raymond.Kelley@epa.gov>, "Tardif, Abigale (Abbie)" <Tardif.Abigale@epa.gov>, "Coxen, Carrie" <coxen.carrie@epa.gov>, "Yarbrough, John (Daniel)" <Yarbrough.Daniel@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>, "Cody, Meredith" <cody.meredith@epa.gov>
Cc: "Brazauskas, Joseph" <brazauskas.joseph@epa.gov>, "Voyles, Travis" <Voyles.Travis@epa.gov>,

"Edwards, John (Holt)" <edwards.john@epa.gov>

Subject: RE: SEPW Briefing Binder

One more for tomorrow morning.

Tony Frye

Director of Senate Affairs

Office of Congressional Affairs

Environmental Protection Agency

Cell: 202.603.3225

From: Frye, Tony (Robert)

Sent: Wednesday, May 13, 2020 3:47 PM

To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Michael Molina (molina.michael@epa.gov) <molina.michael@epa.gov>; Hanson, Paige (Catherine) <hanson.catherine@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Dankert, Charles M. (Charlie) <Dankert.Charles@epa.gov>; Bloom, David <Bloom.David@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Moor, Karl <Moor.Karl@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Raymond, Kelley <Raymond.Kelley@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Fischer, David <Fischer.David@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Irving, John <Irving.John@epa.gov>; Coxen, Carrie <coxen.carrie@epa.gov>; Dunlap, David <dunlap.david@epa.gov>; Fitzmorris, Amanda <fitzmorris.amanda@epa.gov>; Jones, Lindsey <jones.lindsey@epa.gov>; Vizian, Donna <Vizian.Donna@epa.gov>; Zeckman, David <zeckman.david@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; McIntosh, Chad <mcintosh.chad@epa.gov>; Zimmer, Nathaniel <zimmer.nathaniel@epa.gov>; Yarbrough, John (Daniel) <Yarbrough.Daniel@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Cody, Meredith <cody.meredith@epa.gov>; Wright, Peter <wright.peter@epa.gov>; Hoverman, Taylor <hoverman.taylor@epa.gov>; Cook, Steven <cook.steven@epa.gov>

Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>;

Edwards, John (Holt) <edwards.john@epa.gov>

Subject: SEPW Briefing Binder

1 of 2 – PLEASE LIMIT DISTRIBUTION AS APPROPRIATE

Hello All – I apologize for my delay in sending these documents around, there are still some moving parts, but we wanted to get the majority of what is finalized to you before the last hold outs.

Attached, please find the truncated SEPW hearing binder that is currently with the Administrator for his review prior to briefings this week in advance of his hearing Wednesday. All of the sheets in this file should be highlighted in the attached TOC.

Following this email, I will send another with the full binder that reflects all of the documents on the TOC, the file is simply too large to get into one email.

There have been a lot of moving parts in this process, please let me know if you have any questions, think I missed a sheet your office provided to OCIR, or have any comments.

Have a great day!

Best,
Tony

Tony Frye
Director of Senate Affairs
Office of Congressional Affairs
Environmental Protection Agency
Cell: 202.603.3225

Message

From: Woods, Andrea [Woods.Andrea@epa.gov]
Sent: 5/8/2020 4:04:34 PM
To: Dunlap, David [dunlap.david@epa.gov]; Jones, Lindsey [lindsey.jones@epa.gov]; Fitzmorris, Amanda [fitzmorris.amanda@epa.gov]
CC: Voyles, Travis [Voyles.Travis@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Request for Science rule extension
Attachments: LTR - EBJ to Wheeler re SNPRM 5.6.pdf

Hi All,

Please see the below inquiry from Roll Call. Also attaching the letter from Rep. Johnson here. Let me know if we are responding to the letter – and how we want to handle questions on our timeline.

Thanks!

From: David Jordan <davidjordan@cqrollcall.com>
Sent: Friday, May 8, 2020 11:51 AM
To: Press <Press@epa.gov>
Subject: Request for Science rule extension

Hello,

I wanted to see if you had any information on whether the EPA would grant the request from Rep. Johnson for another extension on the public comment period for the Strengthening Transparency in Regulatory Science Rule.

I have a deadline of 3:30 today

Thank you,



David Jordan
Energy and Environment Reporter | CQ Roll Call
E: davidjordan@cqrollcall.com
P: 202-650-6662
C: 703-919-8941

rollcall.com | info.cq.com | fiscalnote.com

Message

From: Frye, Tony (Robert) [frye.robert@epa.gov]
Sent: 4/23/2020 3:19:52 PM
To: Levine, Carolyn [Levine.Carolyn@epa.gov]; Kaiser, Sven-Erik [Kaiser.Sven-Erik@epa.gov]; Matthews, Demond [matthews.demond@epa.gov]; Williams, Thea [Williams.Thea@epa.gov]; Haman, Patricia [Haman.Patricia@epa.gov]
CC: Richardson, RobinH [Richardson.RobinH@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Voyles, Travis [Voyles.Travis@epa.gov]; Edwards, John (Holt) [edwards.john@epa.gov]
Subject: FW: SEPW Rescheduled Budget Hearing
Attachments: 2020.04.21 - FACT SHEETS NEEDED UPDATED OR CREATED- Budget Hearing Table of Contents.docx; 2020.03.26 Full Binder.zip; 2020.04.20 - Administrator Wheeler - SEPW Hearing Prep Schedule.docx; 2020.04.20 - Administrator Wheeler - SEPW Prep Calendar.docx

Hello All – I just included you on the note below. I apologize for not having enough information to share with you this morning on our call. We decided that it would be prudent to get the ball rolling on having the programs start to update/create sheets given the tight timeline. The hearing is tentative at this point, but we are operating under the stature that it will take place. If we hear anything to the contrary, we will be sure to let you know.

For your awareness, I have included the schedule and a more complete calendar to help show where we currently stand. Please don't hesitate to let us know if you have any thoughts or questions.

Best,
Tony

Tony Frye
Director of Senate Affairs
Office of Congressional Affairs
Environmental Protection Agency
Cell: 202.603.3225

From: Frye, Tony (Robert)
Sent: Thursday, April 23, 2020 11:04 AM
To: Benevento, Douglas <benevento.douglas@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Bloom, David <Bloom.David@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Wright, Peter <wright.peter@epa.gov>; Vizian, Donna <Vizian.Donna@epa.gov>; Zeckman, David <zeckman.david@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>; Dunlap, David <dunlap.david@epa.gov>; McIntosh, Chad <mcintosh.chad@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Thiede, Kurt <thiede.kurt@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Edwards, John (Holt) <edwards.john@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Raymond, Kelley <Raymond.Kelley@epa.gov>; Harlow, David <harlow.david@epa.gov>; Moor, Karl <Moor.Karl@epa.gov>; Hanson, Paige (Catherine) <hanson.catherine@epa.gov>; Dankert, Charles M. (Charlie) <Dankert.Charles@epa.gov>; Fischer, David <Fischer.David@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Hoverman, Taylor <hoverman.taylor@epa.gov>; Yarbrough, John (Daniel) <Yarbrough.Daniel@epa.gov>; Tyree, Robin <Tyree.Robin@epa.gov>; Fitzmorris, Amanda <fitzmorris.amanda@epa.gov>; Jones, Lindsey <jones.lindsey@epa.gov>; Zimmer, Nathaniel <zimmer.nathaniel@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Girard, Alexander <girard.alexander@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>;

Haman, Patricia <Haman.Patricia@epa.gov>; Williams, Thea <Williams.Thea@epa.gov>; Matthews, Demond <matthews.demond@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>

Subject: SEPW Rescheduled Budget Hearing

Hello All – The Senate Committee on Environment and Public Works has contacted the Agency requesting to reschedule the budget hearing that was originally scheduled for March 31st. Given that, we have determined that the latest possible date that would meet that requested timeframe and also conform with the current tentative in-Session calendar is May 20th.

As a result, we need to provide updates to the Administrator's binder. Attached, please find an updated table of contents where we flagged by highlighting those briefing papers we believe either need to be updated or created. Anything highlighted in yellow denotes those sheets where we are aware of relevant developments that would merit update to the briefing paper. Anything highlighted in pink represents a new issue that has arisen since the last hearing. Due to the timing of the hearing and the issues present in the press, we believe the scope of the hearing would likely be very narrow. That is why we are requesting only providing updates or creating sheets for the issues identified in this document. If there are additional edits or updates that your office would like to provide, please let me know as soon as possible.

Below, please find the schedule we are operating under to ensure that we are able to provide updates to the Administrator in a timely manner:

TASK	LEAD	DUE	STATUS
Fact Sheet Updates/Formulation	Programs/Regions	4.29 5pm	
OCIR/OCFO Review	OCIR/OCFO	5.1	
OCIR Political Review	OCIR Management	5.5	
Binder Retrieval/Build/Update	OCIR/Senate Team	5.7	
Deliver Binder	TBD	5.7/5.8	

Lastly, to be clear, this hearing is still subject to change based on developing circumstances related to the Senate's uncertain posture. Though committee staff is adamantly pushing for a hearing in May, again May 20th being the latest date we could propose given that request, it is still subject to approval by the Chairman and Ranking Member of the Committee and Senate Leadership. In the event that the situation or timeline changes, we will keep you apprised.

Please don't hesitate to let us know if you have any questions. Have a great day.

Best,
Tony

Tony Frye
Director of Senate Affairs
Office of Congressional Affairs
Environmental Protection Agency
Cell: 202.603.3225

Message

From: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Sent: 4/2/2020 12:20:25 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
CC: Woods, Andrea [Woods.Andrea@epa.gov]
Subject: RE: Letters for Review

Let me know what you all decide. We have the Administrator doing media at 10am and would like to reference the letter. We can embargo the interview, but not sure how you would feel about giving over the letter on an embargoed basis before the Members get it.

Thank you!!!

From: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Sent: Wednesday, April 1, 2020 7:10 PM
To: adm15.arwheeler.email <adm15.arwheeler.email@epa.gov>
Cc: Voyles, Travis <Voyles.Travis@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Dunlap, David <dunlap.david@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Molina, Michael <molina.michael@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Subject: RE: Letters for Review

Thank you sir. Should we anticipate discussing that at the AAs meeting tomorrow morning or would you like to speak tonight?

Joseph A. Brazauskas Jr.
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
(202) 564-5189

From: adm15.arwheeler.email <adm15.arwheeler.email@epa.gov>
Sent: Wednesday, April 1, 2020 6:24 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Voyles, Travis <Voyles.Travis@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Dunlap, David <dunlap.david@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Molina, Michael <molina.michael@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Subject: Re: Letters for Review

I'm fine with the content of both letters. Want to further discuss who the Enforcement letter is addressed to. Also timing of that letter.

Sent from my iPhone

On Apr 1, 2020, at 4:34 PM, Brazauskas, Joseph <brazauskas.joseph@epa.gov> wrote:

Sir,

Attached are two letters for your review. The first is the enforcement letter, currently addressed to the House and Senate leadership. It will be signed by Susan and sent tomorrow morning before 10:00a.m. per OPA. The second is the letter to Chairwoman Johnson on science transparency. It will be signed by you and sent tomorrow afternoon just before the briefing, which is at 4:00 p.m. and in preparation for a press release after that. Please let us know if you have any questions or comments.

Thank you,
Joe

Joseph A. Brazauskas Jr.

Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
(202) 564-5189

<2020-04-XX EPA-Johnson (Science Transparency)_DRAFT.docx>

<2020-04-01 EPA Temporary Enforcement Compliance Guidance Letter_DRAFT.docx>

Message

From: Dunlap, David [dunlap.david@epa.gov]
Sent: 4/1/2020 8:42:45 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
CC: Voyles, Travis [Voyles.Travis@epa.gov]
Subject: RE: Letters for Review
Attachments: 2020-04-XX EPA-Johnson (Science Transparency)_DRAFT.docx

Minor but important edits attached.

Thanks

DDD

David D. Dunlap
O – 202.564.6620

From: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Sent: Wednesday, April 1, 2020 4:35 PM
To: adm15.arwheeler.email <adm15.arwheeler.email@epa.gov>
Cc: Voyles, Travis <Voyles.Travis@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Dunlap, David <dunlap.david@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Molina, Michael <molina.michael@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
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Thank you,
Joe

Joseph A. Brazauskas Jr.
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
(202) 564-5189

Message

From: Brazauskas, Joseph [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BABF7B77AEEC4FFEAAD446BB35E05B24-BRAZAUSKAS,]
Sent: 4/1/2020 8:56:09 PM
To: Dunlap, David [dunlap.david@epa.gov]
CC: Voyles, Travis [Voyles.Travis@epa.gov]
Subject: Re: Letters for Review

We will get these on the back end don't worry

Joseph A. Brazauskas Jr.
Associate Administrator
Congressional and Intergovernmental Relations
U.S. EPA

On Apr 1, 2020, at 4:42 PM, Dunlap, David <dunlap.david@epa.gov> wrote:

Minor but important edits attached.

Thanks

DDD

David D. Dunlap
O – 202.564.6620

From: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Sent: Wednesday, April 1, 2020 4:35 PM
To: adm15.arwheeler.email <adm15.arwheeler.email@epa.gov>
Cc: Voyles, Travis <Voyles.Travis@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Dunlap, David <dunlap.david@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Molina, Michael <molina.michael@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Subject: Letters for Review

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Thank you,
Joe

Joseph A. Brazauskas Jr.
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency

(202) 564-5189

<2020-04-XX EPA-Johnson (Science Transparency)_DRAFT.docx>

Message

From: Jones, Lindsey [jones.lindsey@epa.gov]
Sent: 4/24/2020 2:46:06 PM
To: Doa, Maria [Doa.Maria@epa.gov]
Subject: FW: SEPW Rescheduled Budget Hearing
Attachments: 2020.04.21 - FACT SHEETS NEEDED UPDATED OR CREATED- Budget Hearing Table of Contents.docx; 2020.03.26 Full Binder.zip

Hi Maria,

Just wanted to give you a heads up that we have been asked to update our binder pages by Wednesday of next week. We currently have 2 pages related to the ST rulemaking—one covering the NPRM and the other on the SNPRM. I think we can probably combine these two and update a couple of the dates. I'll work on this and send you a draft for review.

Thanks,
Lindsey

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Thursday, April 23, 2020 11:08 AM
To: Benevento, Douglas <benevento.douglas@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Bloom, David <Bloom.David@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Wright, Peter <wright.peter@epa.gov>; Vizian, Donna <Vizian.Donna@epa.gov>; Zeckman, David <zeckman.david@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>; Dunlap, David <dunlap.david@epa.gov>; McIntosh, Chad <mcintosh.chad@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Thiede, Kurt <thiede.kurt@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Edwards, John (Holt) <edwards.john@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Raymond, Kelley <Raymond.Kelley@epa.gov>; Harlow, David <harlow.david@epa.gov>; Moor, Karl <Moor.Karl@epa.gov>; Hanson, Paige (Catherine) <hanson.catherine@epa.gov>; Dankert, Charles M. (Charlie) <Dankert.Charles@epa.gov>; Fischer, David <Fischer.David@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Hoverman, Taylor <hoverman.taylor@epa.gov>; Yarbrough, John (Daniel) <Yarbrough.Daniel@epa.gov>; Tyree, Robin <Tyree.Robin@epa.gov>; Fitzmorris, Amanda <fitzmorris.amanda@epa.gov>; Jones, Lindsey <jones.lindsey@epa.gov>; Zimmer, Nathaniel <zimmer.nathaniel@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Girard, Alexander <girard.alexander@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>; Haman, Patricia <Haman.Patricia@epa.gov>; Williams, Thea <Williams.Thea@epa.gov>; Matthews, Demond <matthews.demond@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: SEPW Rescheduled Budget Hearing

Hello All – The Senate Committee on Environment and Public Works has contacted the Agency requesting to reschedule the budget hearing that was originally scheduled for March 31st. Given that, we have determined that the latest possible date that would meet that requested timeframe and also conform with the current tentative in-Session calendar is May 20th.

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since the last hearing. Due to the timing of the hearing and the issues present in the press, we believe the scope of the hearing would likely be very narrow. That is why we are requesting only providing updates or creating sheets for the issues identified in this document. If there are additional edits or updates that your office would like to provide, please let me know as soon as possible.

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Lastly, to be clear, this hearing is still subject to change based on developing circumstances related to the Senate's uncertain posture. Though committee staff is adamantly pushing for a hearing in May, again May 20th being the latest date we could propose given that request, it is still subject to approval by the Chairman and Ranking Member of the Committee and Senate Leadership. In the event that the situation or timeline changes, we will keep you apprised.

Please don't hesitate to let us know if you have any questions. Have a great day.

Best,
Tony

Tony Frye
Director of Senate Affairs
Office of Congressional Affairs
Environmental Protection Agency
Cell: 202.603.3225

Message

From: Dunlap, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=591EB15A268249DDA0C05A7451F765C3-DUNLAP, DAV]
Sent: 5/13/2020 8:36:59 PM
To: Orme-Zavaleta, Jennifer [Orme-Zavaleta.Jennifer@epa.gov]
Subject: FW: SEPW Briefing Binder
Attachments: 2020.05.13 - Administrator Wheeler Full Budget Binder (2).zip

David D. Dunlap
O – 202.564.6620

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Wednesday, May 13, 2020 3:50 PM
To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Molina, Michael <molina.michael@epa.gov>; Hanson, Paige (Catherine) <hanson.catherine@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Dankert, Charles M. (Charlie) <Dankert.Charles@epa.gov>; Bloom, David <Bloom.David@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Moor, Karl <Moor.Karl@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Raymond, Kelley <Raymond.Kelley@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Fischer, David <Fischer.David@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Irving, John <Irving.John@epa.gov>; Coxen, Carrie <coxen.carrie@epa.gov>; Dunlap, David <dunlap.david@epa.gov>; Fitzmorris, Amanda <fitzmorris.amanda@epa.gov>; Jones, Lindsey <jones.lindsey@epa.gov>; Vizian, Donna <Vizian.Donna@epa.gov>; Zeckman, David <zeckman.david@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; McIntosh, Chad <mcintosh.chad@epa.gov>; Zimmer, Nathaniel <zimmer.nathaniel@epa.gov>; Yarbrough, John (Daniel) <Yarbrough.Daniel@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Cody, Meredith <cody.meredith@epa.gov>; Wright, Peter <wright.peter@epa.gov>; Hoverman, Taylor <hoverman.taylor@epa.gov>; Cook, Steven <cook.steven@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Edwards, John (Holt) <edwards.john@epa.gov>
Subject: RE: SEPW Briefing Binder

2 of 2 – PLEASE LIMIT DISTRIBUTION AS APPROPRIATE

Full binder attached.

Tony Frye
Director of Senate Affairs
Office of Congressional Affairs
Environmental Protection Agency
Cell: 202.603.3225

From: Frye, Tony (Robert)
Sent: Wednesday, May 13, 2020 3:47 PM
To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Michael Molina (molina.michael@epa.gov) <molina.michael@epa.gov>; Hanson, Paige (Catherine) <hanson.catherine@epa.gov>; Benevento, Douglas

<benevento.douglas@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Dankert, Charles M. (Charlie) <Dankert.Charles@epa.gov>; Bloom, David <Bloom.David@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Moor, Karl <Moor.Karl@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Raymond, Kelley <Raymond.Kelley@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Fischer, David <Fischer.David@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Irving, John <Irving.John@epa.gov>; Coxen, Carrie <coxen.carrie@epa.gov>; Dunlap, David <dunlap.david@epa.gov>; Fitzmorris, Amanda <fitzmorris.amanda@epa.gov>; Jones, Lindsey <jones.lindsey@epa.gov>; Vizian, Donna <Vizian.Donna@epa.gov>; Zeckman, David <zeckman.david@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; McIntosh, Chad <mcintosh.chad@epa.gov>; Zimmer, Nathaniel <zimmer.nathaniel@epa.gov>; Yarbrough, John (Daniel) <Yarbrough.Daniel@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Cody, Meredith <cody.meredith@epa.gov>; Wright, Peter <wright.peter@epa.gov>; Hoverman, Taylor <hoverman.taylor@epa.gov>; Cook, Steven <cook.steven@epa.gov>
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Subject: SEPW Briefing Binder

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Hello All – I apologize for my delay in sending these documents around, there are still some moving parts, but we wanted to get the majority of what is finalized to you before the last hold outs.

Attached, please find the truncated SEPW hearing binder that is currently with the Administrator for his review prior to briefings this week in advance of his hearing Wednesday. All of the sheets in this file should be highlighted in the attached TOC.

Following this email, I will send another with the full binder that reflects all of the documents on the TOC, the file is simply too large to get into one email.

There have been a lot of moving parts in this process, please let me know if you have any questions, think I missed a sheet your office provided to OCIR, or have any comments.

Have a great day!

Best,
Tony

Tony Frye
Director of Senate Affairs
Office of Congressional Affairs
Environmental Protection Agency
Cell: 202.603.3225

Message

From: Dunlap, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=591EB15A268249DDA0C05A7451F765C3-DUNLAP, DAV]
Sent: 5/13/2020 8:35:56 PM
To: Orme-Zavaleta, Jennifer [Orme-Zavaleta.Jennifer@epa.gov]
Subject: FW: SEPW Briefing Binder
Attachments: 2020.05.13 - 12pm - AAW Budget Hearing Binder Updates.zip; 2020.05.12 - Supplemental- Budget Hearing Table of Contents.docx

David D. Dunlap
O – 202.564.6620

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Wednesday, May 13, 2020 3:47 PM
To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Molina, Michael <molina.michael@epa.gov>; Hanson, Paige (Catherine) <hanson.catherine@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Dankert, Charles M. (Charlie) <Dankert.Charles@epa.gov>; Bloom, David <Bloom.David@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Moor, Karl <Moor.Karl@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Raymond, Kelley <Raymond.Kelley@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Fischer, David <Fischer.David@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Irving, John <Irving.John@epa.gov>; Coxen, Carrie <coxen.carrie@epa.gov>; Dunlap, David <dunlap.david@epa.gov>; Fitzmorris, Amanda <fitzmorris.amanda@epa.gov>; Jones, Lindsey <jones.lindsey@epa.gov>; Vizian, Donna <Vizian.Donna@epa.gov>; Zeckman, David <zeckman.david@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; McIntosh, Chad <mcintosh.chad@epa.gov>; Zimmer, Nathaniel <zimmer.nathaniel@epa.gov>; Yarbrough, John (Daniel) <Yarbrough.Daniel@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Cody, Meredith <cody.meredith@epa.gov>; Wright, Peter <wright.peter@epa.gov>; Hoverman, Taylor <hoverman.taylor@epa.gov>; Cook, Steven <cook.steven@epa.gov>
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